

JOURNAL  
OF THE  
SENATE

OF THE  
STATE OF KANSAS

FOR THE

2016 Legislative Session  
January 11 through June 1, 2016  
and  
2016 Special Session  
June 23 through June 24, 2016

HELD AT THE

STATE CAPITOL  
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*



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*Governor*

SAM BROWNBACK, Topeka

*Lieutenant Governor*

JEFF COLYER, Overland Park



**OFFICERS OF THE SENATE**

2016 Regular Session



<b>Susan Wagle, Wichita</b> .....	President
<b>Jeff King, Independence</b> .....	Vice President
<b>Terry Bruce, Hutchinson</b> .....	Majority Leader
<b>Anthony Hensley, Topeka</b> .....	Minority Leader
<b>Corey Carnahan, Topeka</b> .....	Secretary
<b>Charles (Nick) Nicolay, Topeka</b> .....	Sergeant at Arms

**STATE SENATORS**  
**2016 LEGISLATIVE SESSION**  
**Members Listed Alphabetically**

<b>Name and City</b>	<b>Occupation</b>	<b>Party</b>	<b>Dist.</b>
<b>Abrams, Steve</b> , Arkansas City.....	Veterinarian	Rep.	32
<b>Arpke, Tom</b> , Salina.....	Travel Agent, Consultant	Rep.	24
<b>Baumgardner, Molly</b> , Louisburg.....	Professor	Rep.	37
<b>Bowers, Elaine S.</b> , Concordia.....	Auto Dealer	Rep.	36
<b>Bruce, Terry</b> , Hutchinson.....	Attorney	Rep.	34
<b>Denning, Jim</b> , Overland Park.....	Health Care Administrator	Rep.	8
<b>Donovan, Les</b> , Wichita.....	Auto Dealer	Rep.	27
<b>Faust-Goudeau, Oleta</b> , Wichita.....	Community Activist	Dem.	29
<b>Fitzgerald, Steve</b> , Leavenworth.....	Retired	Rep.	5
<b>Francisco, Marci</b> , Lawrence.....	Space Analyst	Dem.	2
<b>Haley, David</b> , Kansas City.....	Public Affairs Counsel	Dem.	4
<b>Hawk, Tom</b> , Manhattan.....	Retired School Superintendent	Dem.	22
<b>Hensley, Anthony</b> , Topeka.....	Teacher	Dem.	19
<b>Holland, Tom</b> , Baldwin City.....	Business Owner	Dem.	3
<b>Holmes, Mitch</b> , St. John.....	Computer Programmer	Rep.	33
<b>Kelly, Laura</b> , Topeka.....	Association Executive	Dem.	18
<b>Kerschen, Dan</b> , Garden Plain.....	Farmer	Rep.	26
<b>King, Jeff</b> , Independence.....	Attorney	Rep.	15
<b>Knox, Forrest J.</b> , Altoona.....	Farmer/Rancher	Rep.	14
<b>LaTurner, Jacob</b> , Pittsburg.....	Small Business Owner	Rep.	13
<b>Longbine, Jeff</b> , Emporia.....	Auto Dealer	Rep.	17
<b>Love, Garrett</b> , Montezuma.....	Small Businessman	Rep.	38
<b>Lynn, Julia</b> , Olathe.....	Business Owner, Tech. Services	Rep.	9
<b>Masterson, Ty</b> , Andover.....	Small Business Owner	Rep.	16
<b>McGinn, Carolyn</b> , Sedgwick.....	Agriculture Producer	Rep.	31
<b>Melcher, Jeff</b> , Leawood.....	Executive	Rep.	11
<b>O'Donnell, Michael</b> , Wichita.....	Communications Director	Rep.	25
<b>Olson, Robert (Rob)</b> , Olathe.....	Banking/Real Estate	Rep.	23
<b>Ostmeyer, Ralph</b> , Grinnell.....	Farmer/Rancher	Rep.	40
<b>Petersen, Mike</b> , Wichita.....	Industrial Electrician	Rep.	28
<b>Petty, Pat</b> , Kansas City.....	Retired Educator	Dem.	6
<b>Pilcher-Cook, Mary</b> , Shawnee.....	Publisher	Rep.	10
<b>Powell, Larry</b> , Garden City.....	Rancher	Rep.	39
<b>Pyle, Dennis</b> , Hiawatha.....	Farmer	Rep.	1
<b>Schmidt, Vicki</b> , Topeka.....	Pharmacist	Rep.	20
<b>Smith, Greg</b> , Overland Park.....	School Teacher	Rep.	21
<b>Tyson, Caryn</b> , Parker.....	Software Engineer	Rep.	12
<b>Wagle, Susan</b> , Wichita.....	Business/Real Estate Investor	Rep.	30
<b>Wilborn, Rick</b> , McPherson.....	Consultant	Rep.	35
<b>Wolf, Kay</b> , Prairie Village.....	Business Owner	Rep.	7

**SENATE COMMITTEE ASSIGNMENTS  
2016 LEGISLATIVE SESSION**

**Standing Committees**

- 8:30 a.m. Mon-Tues**                      **Agriculture (11)**                      **Room 159-S**  
Love, *Chairperson*; Kerschen, *Vice Chairperson*; Abrams, Bowers, Holmes, Knox, McGinn, Ostmeyer, Powell.  
Francisco, *Ranking Minority Member*; Hawk.
- 9:30 a.m.**                                      **Assessment and Taxation (11)**                      **Room 548-S**  
Donovan, *Chairperson*; Tyson, *Vice Chairperson*; Abrams, Bruce, Lynn, Melcher, Petersen, Pilcher-Cook, Powell.  
Holland, *Ranking Minority Member*; Hensley.
- 8:30 a.m.**                                      **Commerce (11)**                                      **Room 548-S**  
Lynn, *Chairperson*; Wagle, *Vice Chairperson*; Baumgardner, Denning, Longbine, Melcher, Olson, Pilcher-Cook, Wilborn.  
Holland, *Ranking Minority Member*; Faust-Goudeau.
- On Call**                                      **Confirmation Oversight (6)**  
Bruce, *Chairperson*; Hensley, *Vice Chairperson*; King, Masterson, Olson, Wagle.
- 9:30 a.m.**                                      **Corrections and Juvenile Justice (7)**                      **Room 118-N**  
Smith, *Chairperson*; Knox, *Vice Chairperson*; Baumgardner, King, McGinn, Ostmeyer.  
Petty, *Ranking Minority Member*.
- 1:30 p.m.**                                      **Education (11)**                                      **Room 144-S**  
Abrams, *Chairperson*; Arpke, *Vice Chairperson*; Baumgardner, Fitzgerald, Kerschen, Melcher, Pyle, Schmidt, Tyson.  
Hensley, *Ranking Minority Member*; Petty.
- 9:30 a.m. Wed-Thur**                      **Ethics and Elections (9)**                      **Room 142-S**  
Holmes, *Chairperson*; Fitzgerald, *Vice Chairperson*; Arpke, Love, O'Donnell, Wagle, Wolf.  
Faust-Goudeau, *Ranking Minority Member*; Haley.
- 10:30 a.m.**                                      **Federal and State Affairs (9)**                      **Room 144-S**  
Ostmeyer, *Chairperson*; LaTurner, *Vice Chairperson*; Holmes, Longbine, Olson, Wilborn, Wolf.  
Faust-Goudeau, *Ranking Minority Member*; Holland.
- 9:30 a.m.**                                      **Financial Institutions and Insurance (9)**                      **Room 546-S**  
Longbine, *Chairperson*; Bowers, *Vice Chairperson*; Denning, LaTurner, Olson, Schmidt, Wilborn.  
Hawk, *Ranking Minority Member*; Kelly.



## **Joint Committees of the Senate and House**

### **Administrative Rules and Regulations**

**On Call (5 Senate – 7 House)**

Schmidt, *Chairperson*; Faust-Goudeau, Hawk, Love, Ostmeyer.

*House Members:* Schwartz, *Vice Chairperson*; Huebert, Lunn, Pauls, Trimmer, Ward, Winn.

### **Clean Power Plan Implementation Study Committee**

**On Call (5 Senate – 6 House)**

Olson, *Vice Chairperson*; Francisco, Knox, Petersen, L. Powell.

*House Members:* Hedke, *Chairperson*; Barton, Corbet, Kuether, Mason, R. Powell.

### **Corrections and Juvenile Justice Oversight**

**On Call (7 Senate – 7 House)**

Smith, *Vice Chairperson*; Baumgardner, Fitzgerald, Knox, LaTurner, McGinn, Pettey.

*House Members:* Gonzalez, *Vice Chairperson*; Carlin, DeGraaf, Grosserode, Henry, Rubin, Ward.

### **Information Technology**

**On Call (5 Senate – 5 House)**

Petersen, *Chairperson*; Francisco, Holland, Love, Melcher.

*House Members:* Hildabrand, *Vice Chairperson*; Claeys, Esau, Whipple, Wilson.

### **Kansas Security**

**On Call (5 Senate – 5 House)**

Smith, *Chairperson*; Hensley, Holmes, Petersen, Pettey.

*House Members:* Goico, *Vice Chairperson*; K. Jones, Lusker, Mast.

### **Legislative Budget Committee**

**On Call (3 Senate – 4 House)**

Masterson, *Vice Chairperson*; Denning, Kelly.

*House Members:* Ryckman, *Chairperson*; Henry, Kleeb, Schwartz.

### **Legislative Coordinating Council**

**On Call (3 Senate – 4 House)**

Wagle, *Vice Chairperson*; Bruce, Hensley.

*House Members:* Merrick, *Chairperson*; Burroughs, Mast, Vickrey.

### **Legislative Post Audit**

**On Call (5 Senate – 5 House)**

O'Donnell, *Chairperson*; Hensley, Kelly, Longbine, Lynn.

*House Members:* Peck, *Vice Chairperson*; Barker, Burroughs, Mast, Trimmer.

**Pensions, Investments and Benefits**

**On Call (5 Senate – 8 House)**

King, *Chairperson*; Hensley, Holmes, Kelly, Masterson.  
*House Members*: Johnson, *Vice Chairperson*; Alcalá, Edmonds, Hawkins, Henry, Macheers, Suellentrop, Trimmer.

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

**On Call (5 Senate – 6 House)**

O'Donnell, *Vice Chairperson*; Denning, Kelly, LaTurner, Love.  
*House Members*: Hawkins, *Chairperson*; Ballard, Carpenter, Dove, Edmonds, Ward.

**Special Claims Against the State**

**On Call (3 Senate – 4 House)**

Kerschen, *Vice Chairperson*; Bruce, Haley.  
*House Members*: Todd, *Chairperson*; Houser, McPherson, Wolfe-Moore.

**State Building Construction**

**On Call (5 Senate – 5 House)**

Wolf, *Chairperson*; Francisco, Kelly Knox, Powell.  
*House Members*: Hutton, *Vice Chairperson*; Alcalá, Alford, Carpenter, Lusker.

**State Tribal Relations**

**On Call (5 Senate – 5 House)**

Ostmeyer, *Vice Chairperson*, Bowers, Haley, Knox, Pettey.  
*House Members*: Osterman, *Chairperson*, Burroughs, Ewy, Macheers, Victors.

**Telecommunications Study Committee**

**On Call (9 Senate – 11 House)**

Olson, *Co-Chairperson*; Francisco, Hawk, Knox, Longbine, Lynn, Petersen, Smith, Wilborn.  
*House Members*: Seiwert, *Co-Chairperson*; Alford, Bruchman, Carpenter, Doll, Gonzalez, Kuether, Ryckman, Sr., Schwab, Thimesch, Whipple.

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

**Abrams, Steve**

Republican, District 32  
Room 224-E  
(785) 296-7381

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Chair	1:30 pm	144-S
Agriculture	Member	8:30 am Mon-Tues	159-S
Assessment and Taxation	Member	9:30 am	548-S

**Arpke, Tom**

Republican, District 24  
Room 135-E  
(785) 296-7369

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Education	Vice Chair	1:30 pm	144-S
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Ways and Means	Member	10:30 am	548-S

**Baumgardner, Molly**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice	Member	9:30 am	118-N
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S

**Bowers, Elaine**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	Vice Chair	9:30 am	546-S
Public Health and Welfare	Vice Chair	1:30 pm	118-N
Agriculture	Member	8:30 am Mon-Tues	159-S
Senate Select Committee on KPERS	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Bruce, Terry**

Republican, District 34  
 Room 330-E  
 (785) 296-2497

**Majority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Confirmation Oversight	Chair	On Call	
Interstate Cooperation	Vice Chair	On Call	
Organization, Calendar and Rules	Vice Chair	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Judiciary	Member	10:30 am	346-S
Legislative Coordinating Council (Joint)	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	

**Denning, Jim**

Republican, District 8  
 Room 541-E  
 (785) 296-7394

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ways and Means	Vice Chair	10:30 am	548-S
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Legislative Budget (Joint)	Member	On Call	
Public Health and Welfare	Member	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	

**Donovan, Leslie D. "Les"**

Republican, District 27  
 Room 123-E  
 (785) 296-7385

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Chair	9:30 am	548-S
Transportation	Member	8:30 am Tues-Fri	546-S

**Faust-Goudeau, Oletha**

Democrat, District 29  
 Room 124-E  
 (785) 296-7387

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ethics and Elections	*R.M. Member	9:30 am Wed-Thur	142-S
Federal and State Affairs	*R.M. Member	10:30 am	144-S
Local Government	*R.M. Member	9:30 am Mon-Tues	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Commerce	Member	8:30 am	548-S

**Fitzgerald, Steve**

Republican, District 5  
Room 135-E  
(785) 296-7357

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ethics and Elections	Vice Chair	9:30 am Wed-Thur	142-S
Local Government	Vice Chair	9:30 am Mon-Tues	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Transportation	Member	8:30 am Tues-Fri	546-S
Ways and Means	Member	10:30 am	548-S

**Francisco, Marci**

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

**Assistant Minority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	*R.M. Member	8:30 am Mon-Tues	159-S
Natural Resources	*R.M. Member	8:30 am Wed-Fri	159-S
Utilities	*R.M. Member	1:30 pm	548-S
Clean Power Plan Implementation Study Committee (Joint)	Member	On Call	
Information Technology (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Telecommunications Study Committee (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**Haley, David**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	*R.M. Member	10:30 am	346-S
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Special Claims Against the State (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Hawk, Tom**

Democrat, District 22  
Room 124-E  
(785) 296-7360

**Caucus Chair**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	*R.M. Member	9:30 am	546-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Mon-Tues	159-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Hensley, Anthony**

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

**Committee**

Confirmation Oversight  
Education  
Interstate Cooperation  
Senate Select Committee on KPERS  
Assessment and Taxation  
Kansas Security (Joint)  
Legislative Coordinating Council (Joint)  
Legislative Post Audit (Joint)  
Pensions, Investments and Benefits (Joint)  
Transportation

**Minority Leader**

<b>Rank</b>	<b>Time</b>	<b>Room</b>
Vice Chair	On Call	
*R.M. Member	1:30 pm	144-S
*R.M. Member	On Call	
*R.M. Member	On Call	
Member	9:30 am	548-S
Member	On Call	
Member	On Call	
Member	On Call	
Member	8:30 am Tues-Fri	546-S

**Holland, Tom**

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

**Committee**

Assessment and Taxation  
Commerce  
Federal and State Affairs  
Information Technology (Joint)  
Interstate Cooperation

**Agenda Chair**

<b>Rank</b>	<b>Time</b>	<b>Room</b>
*R.M. Member	9:30 am	548-S
*R.M. Member	8:30 am	548-S
Member	10:30 am	144-S
Member	On Call	
Member	On Call	

**Holmes, Mitch**

Republican, District 33  
Room 237-E  
(785) 296-7667

**Committee**

Ethics and Elections  
Agriculture  
Federal and State Affairs  
Kansas Security (Joint)  
Local Government  
Pensions, Investments and Benefits (Joint)  
Public Health and Welfare  
Senate Select Committee on KPERS

<b>Rank</b>	<b>Time</b>	<b>Room</b>
Chair	9:30 am Wed-Thur	142-S
Member	8:30 am Mon-Tues	159-S
Member	10:30 am	144-S
Member	On Call	
Member	9:30 am Mon-Tues	159-S
Member	On Call	
Member	1:30 pm	118-N
Member	On Call	

**Kelly, Laura**

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

**Minority Whip**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Public Health and Welfare	*R.M. Member	1:30 pm	118-N
Ways and Means	*R.M. Member	10:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Legislative Budget (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
State Building Construction (Joint)	Member	On Call	

**Kerschen, Dan**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	Vice Chair	8:30 am Mon-Tues	159-S
Natural Resources	Vice Chair	8:30 am Wed-Fri	159-S
Special Claims Against the State (Joint)	Vice Chair	On Call	
Education	Member	1:30 pm	144-S
Ways and Means	Member	10:30 am	548-S

**King, Jeff**

Republican, District 15  
 Room 341-E  
 (785) 296-7361

**Vice President**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Judiciary	Chair	10:30 am	346-S
Pensions, Investments and Benefits (Joint)	Chair	On Call	
Senate Select Committee on KPERS	Chair	On Call	
Confirmation Oversight	Member	On Call	
Corrections and Juvenile Justice	Member	9:30 am	118-N
Interstate Cooperation	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Transportation	Member	8:30 am Tues-Fri	546-S

**Knox, Forrest**

Republican, District 14  
 Room 234-E  
 (785) 296-7678

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	Vice Chair	9:30 am	118-N
Agriculture	Member	8:30 am Mon-Tues	159-S
Clean Power Plan Implementation Study Committee (Joint)	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Senate Select Committee on KPERS	Member	On Call	
State Building Construction (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**LaTurner, Jacob**

Republican, District 13  
 Room 135-E  
 (785) 296-7370

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	Vice Chair	10:30 am	144-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	546-S
Public Health and Welfare	Member	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Transportation	Member	8:30 am Tues-Fri	546-S

**Longbine, Jeff**

Republican, District 17  
 Room 235-E  
 (785) 296-7384

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Financial Institutions and Insurance	Chair	9:30 am	546-S
Senate Select Committee on KPERS	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Federal and State Affairs	Member	10:30 am	144-S
Legislative Post Audit (Joint)	Member	On Call	
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Love, Garrett**

Republican, District 38  
 Room 237-E  
 (785) 296-7359

**Majority Whip**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	Chair	8:30 am Mon-Tues	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Local Government	Member	9:30 am Mon-Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	

**Lynn, Julia**

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

**Assistant Majority Leader**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Chair	8:30 am	548-S
Assessment and Taxation	Member	9:30 am	548-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Legislative Post Audit (Joint)	Member	On Call	
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Masterson, Ty**

Republican, District 16  
 Room 545-S  
 (785) 296-7388

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Ways and Means	Chair	10:30 am	548-S
Legislative Budget (Joint)	Vice Chair	On Call	
Confirmation Oversight	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
Utilities	Member	1:30 pm	548-S

**McGinn, Carolyn**

Republican, District 31  
 Room 223-E  
 (785) 296-7377

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Agriculture	Member	8:30 am Mon-Tues	159-S
Corrections and Juvenile Justice	Member	9:30 am	118-N
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Natural Resources	Member	8:30 am Wed-Fri	159-S

**Melcher, Jeff**

Republican, District 11  
 Room 541-E  
 (785) 296-7301

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Information Technology (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

**O'Donnell, Michael**

Republican, District 25  
 Room 225-E  
 (785) 296-7391

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Vice Chair	On Call	
Legislative Post Audit (Joint)	Co-Chair	On Call	
Public Health and Welfare	Interim Chair	1:30 pm	118-N
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Local Government	Member	9:30 am Mon-Tues	159-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Ways and Means	Member	10:30 am	548-S

**Olson, Robert "Rob"**

Republican, District 23  
 Room 236-E  
 (785) 296-7338

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Utilities	Chair	1:30 pm	548-S
Clean Power Plan Implementation Study Committee (Joint)	Vice Chair	On Call	
Telecommunications Study Committee (Joint)	Co-Chair	On Call	
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S

**Ostmeyer, Ralph**

Republican, District 40  
 Room 136-E  
 (785) 296-7399

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Federal and State Affairs	Chair	10:30 am	144-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Mon-Tues	159-S
Corrections and Juvenile Justice	Member	9:30 am	118-N
Natural Resources	Member	8:30 am Wed-Fri	159-S
State Tribal Relations (Joint)	Member	On Call	

**Petersen, Mike**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Information Technology (Joint)	Chair	On Call	
Transportation	Chair	8:30 am Tues-Fri	546-S
Utilities	Vice Chair	1:30 pm	548-S
Assessment and Taxation	Member	9:30 am	548-S
Clean Power Plan Implementation Study Committee (Joint)	Member	On Call	
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
Telecommunications Study Committee (Joint)	Member	On Call	

**Petty, Pat**

Democrat, District 6  
 Room 123-E  
 (785) 296-7375

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	*R.M. Member	9:30 am	118-N
Transportation	*R.M. Member	8:30 am Tues-Fri	546-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

**Pilcher-Cook, Mary**

Republican, District 10  
 Room 441-E  
 (785) 296-7362

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Judiciary	Member	10:30 am	346-S

**Powell, Larry**

Republican, District 39  
 Room 237-E  
 (785) 296-7694

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Natural Resources	Chair	8:30 am Wed-Fri	159-S
Agriculture	Member	8:30 am Mon-Tues	159-S
Assessment and Taxation	Member	9:30 am	548-S
Clean Power Plan Implementation Study Committee (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

**Pyle, Dennis**

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

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Local Government	Chair	9:30 am Mon-Tues	159-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Wed-Fri	159-S

**Schmidt, Vicki**

Republican, District 20  
 Room 445-S  
 (785) 296-7374

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Administrative Rules and Regulations (Joint)	Chair	On Call	
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Transportation	Member	8:30 am Tues-Fri	546-S

**Smith, Greg A.**

Republican, District 21  
 Room 441-E  
 (785) 296-7367

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Corrections and Juvenile Justice	Chair	9:30 am	118-N
Kansas Security (Joint)	Chair	On Call	
Judiciary	Vice Chair	10:30 am	346-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Natural Resources	Member	8:30 am Wed-Fri	159-S
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Tyson, Caryn**

Republican, District 12  
 Room 236-E  
 (785) 296-6838

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Assessment and Taxation	Vice Chair	9:30 am	548-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Wed-Fri	159-S
Ways and Means	Member	10:30 am	548-S

**Wagle, Susan**

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

**President**

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Interstate Cooperation	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Commerce	Vice Chair	8:30 am	548-S
Legislative Coordinating Council (Joint)	Vice Chair	On Call	
Confirmation Oversight	Member	On Call	
Ethics and Elections	Member	9:30 am Wed-Thur	142-S
Public Health and Welfare	Member	1:30 pm	118-N

**Wilborn, Rick**

Republican, District 35  
 Room 541-E  
 (785) 296-7519

<b>Committee</b>	<b>Rank</b>	<b>Time</b>	<b>Room</b>
Commerce	Member	8:30 am	548-S
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Telecommunications Study Committee (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

**Wolf, Kay**

Republican, District 7  
Room 235-E  
(785) 296-7390

**Committee**

State Building Construction (Joint)

Transportation

Ethics and Elections

Federal and State Affairs

Local Government

**Rank**

Chair

Vice Chair

Member

Member

Member

**Time**

On Call

8:30 am Tues-Fri

9:30 am Wed-Thur

10:30 am

9:30 am Mon-Tues

**Room**

546-S

142-S

144-S

159-S

\*Ranking Minority Member





**Constitutional Provisions  
Governing  
the  
Kansas Legislature**



**State of Kansas**



# KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

## Article 2.—LEGISLATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rules  
of the  
Kansas Senate**



**State of Kansas**

**2013-2016**

**January 2015**



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RULES OF THE SENATE  
2013-2016

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

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

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

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

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

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

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

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

- (a) Introduction and reference of bills and concurrent resolutions.
- (b) Receipts of messages from the Governor.
- (c) Communications from state officers.
- (d) Receipt of messages from the House of Representatives.
- (e) Reports of select and standing committees.
- (f) Presentation of petitions.

(3) Motions. No motion shall be in order other than the motion to adjourn.

(4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.

(5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

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

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

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

**Rule 7. Standing Committees.** There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee.

No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

The following shall be the other standing committees:

	Number of members
1. Agriculture.....	11
2. Assessment and Taxation.....	11
3. Commerce.....	11
4. Confirmation Oversight Committee.....	6
5. Corrections and Juvenile Justice.....	7
6. Education.....	11
7. Ethics and Elections.....	9
8. Federal and State Affairs.....	9
9. Financial Institutions and Insurance.....	9
10. Interstate Cooperation.....	7
11. Judiciary.....	11
12. Local Government.....	9
13. Natural Resources.....	11

14. Public Health and Welfare..... 9  
 15. Transportation..... 9  
 16. Utilities..... 11  
 17. Ways and Means..... 11

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

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

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

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

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

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

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

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

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

minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

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

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

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

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

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate

by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

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

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

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

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

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

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

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

**Rule 21. Vice President and Filling Certain Vacancies.** (a) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

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

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

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

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

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

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

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

**Rule 23. Open Meetings Provisions.** The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such

committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

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

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 41 (relating to procedure in the committee of the whole).

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

Not Debatable

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

Debatable

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

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

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

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

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

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

**Rule 29. Previous Questions.** Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main

question be now put?" If the previous question is decided in the affirmative by a majority vote of those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

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

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

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

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the

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

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

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

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

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

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

**Rule 39. Dispense with Further Proceedings under Call of Senate.** No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 40. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**Rule 41. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 51 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 42. No Quorum in Committee of the Whole – Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 43. How Bills or Resolutions Considered – Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 44. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions

for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

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

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

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

**Rule 45. Report of Committee of the Whole Subject to Amendment – Time for.** The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 46. Motion for Committee of the Whole to Rise and Report Progress.** A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

**Rule 47. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 48. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 49. Bills and Resolutions – Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon

passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 50. Reports of Transmittals in Journal – Committee –Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 51. Motion to Strike Enacting or Resolving Clause – Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 52. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 53. Bills and Resolutions Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 46.

**Rule 54. Changing Order on Calendar.** Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

**Rule 55. Resolutions – Classes – Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

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

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

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

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

**Rule 56. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in

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

**Rule 57. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

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

**Rule 58. Electronic Devices; Photographic Record of Vote.** The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a

committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited. No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called.

**Rule 59. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 60. The News Media.** Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 61. Secretary of Senate – Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 62. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

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

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

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

**Rule 63. Sergeant at Arms – Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak

rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 57 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 57 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

**Rule 64. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 65. Employees – Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 66. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

**Rule 67. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 68. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

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

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

**Rule 69. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or

appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

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

**Rule 70. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

**Rule 71. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

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

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

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

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

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

**Rule 72. General Rule Not to Read Amendments.** Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 73. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 74. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 75. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

**Rule 76. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 77. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes

Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

**Rule 78. Taking from the Table.** The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 79. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 79 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 80. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

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



**State of Kansas**

**2015-2016**

**February 2015**



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JOINT RULES OF THE SENATE AND  
HOUSE OF REPRESENTATIVES  
2015-2016

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

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

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

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

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate

and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

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

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

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

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

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and

voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

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

(f) *Conference committee reports; matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution, except that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house, electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its

consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of 2/3 of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

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

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

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

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 2, 2015, during the 2015 regular session and on February 1, 2016, during the 2016 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 11, 2015, during the 2015 regular session and on February 10, 2016, during the 2016 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 9, 2015, during the 2015 regular session and on February 8, 2016, during the 2016 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 13, 2015, during the 2015 regular session and on February 12, 2016, during the 2016 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 27, 2015, during the 2015 regular session and on February 26, 2016, during the 2016 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 25, 2015, during the 2015 regular session and March 23, 2016, during the 2016 regular session.

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

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

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

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 3, 2015, during the 2015 regular session and after April 1, 2016, during the 2016 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

**Joint rule 5. Closure of meetings to consider matters relating to security.** Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

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







# SENATE JOURNAL

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PROCEEDINGS

OF THE

**Senate**

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2016 REGULAR SESSION

January 11 through June 1, 2016

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COREY CARNAHAN, *Secretary of the Senate*

## EXPLANATION OF ABBREVIATIONS

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

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

## EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive for the 2015-2016 biennium. The 2016 Senate Journal begins with page 1751 and is consecutive throughout the remainder of the volume.

Under the section "History of Bills" SJ page numbers prior to page 1751 and HJ page numbers prior to 1909 refer to the 2015 Senate and House Journal books.

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 11, 2016, 2:30 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and by the virtue of her office as President of the Senate, President Susan Wagle declared the 2016 Senate to be in session.

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

Heavenly Father, we come again to the beginning of another session. And as Moses told Joshua to deliver the laws to Your people in Deuteronomy 31:7, and that he was to be of good courage, because You'd never fail nor forsake them, remind us of the same. As we all labor together...the Senators...the supporting staff and all who work these halls, to deliver laws to Your people, remind us afresh of Your gracious, governing, guiding presence. Like the chef, who brings just the right mixture of ingredients together, with just the right temperature, do that with us. During this session, as laws are being prepared, give us just the right mix of ingredients, from both sides of the aisle. And help us maintain just the right temperature in our attitudes and actions. Like the chef, who tops off and completes a fine meal, top off and complete the work that You're going to accomplish in these halls. When all is said and done, and the people have consumed...even devoured the results of this session, help us all to recognize, celebrate and applaud You, as the Head Chef. Keep us as Your humble servants...as waiters and waitresses, and may the final word on the street be, that for the citizens of Kansas, You cooked up some pretty good stuff. Here's thanking You in advance for what You're about to do. In the name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

President Wagle introduced Melissa Seabaugh who will serve as Reader for the 2016 legislative session.

The roll was called with 39 senators present.

Senator Love was excused.

### District

1. Dennis Pyle
2. Marci Francisco
3. Tom Holland

### District

21. Greg A. Smith
22. Tom Hawk
23. Rob Olson

- |                       |                                  |
|-----------------------|----------------------------------|
| 4. David Haley        | 24. Tom Arpke                    |
| 5. Steve Fitzgerald   | 25. Michael O'Donnell            |
| 6. Pat Pettey         | 26. Dan Kerschen                 |
| 7. Kay Wolf           | 27. Leslie D. "Les" Donovan, Sr. |
| 8. Jim Denning        | 28. Mike Petersen                |
| 9. Julia Lynn         | 29. Oletha Faust-Goudeau         |
| 10. Mary Pilcher-Cook | 30. Susan Wagle                  |
| 11. Jeff Melcher      | 31. Carolyn McGinn               |
| 12. Caryn Tyson       | 32. Steve E. Abrams              |
| 13. Jacob LaTurner    | 33. Mitch Holmes                 |
| 14. Forest J. Knox    | 34. Terry Bruce                  |
| 15. Jeff King         | 35. Rick Wilborn                 |
| 16. Ty Masterson      | 36. Elaine S. Bowers             |
| 17. Jeff Longbine     | 37. Molly Baumgardner            |
| 18. Laura Kelly       | 38. Garrett Love                 |
| 19. Anthony Hensley   | 39. Larry R. Powell              |
| 20. Vicki L. Schmidt  | 40. Ralph Ostmeyer               |

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1755—

A RESOLUTION relating to the organization of the Senate.

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

Susan Wagle, president,  
 Jeff King, vice-president,  
 Terry Bruce, majority leader,  
 Anthony Hensley, minority leader,  
 Corey Carnahan, secretary,  
 Charles (Nick) Nicolay, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1755** was adopted by voice vote.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 312**, AN ACT concerning the legislative post audit committee; auditing unified school districts; amending K.S.A. 2015 Supp. 46-1133 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**SB 313**, AN ACT concerning the legislative division of post audit; relating to information technology audits; amending K.S.A. 2015 Supp. 46-1135 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**SB 314**, AN ACT concerning the local food and farm task force; extending the expiration date; amending K.S.A. 2015 Supp. 2-3805 and repealing the existing section, by Senator Kerschen.

**SB 315**, AN ACT concerning foster care; relating to the number of children authorized by a foster care license; amending K.S.A. 2015 Supp. 65-504 and repealing the existing section, by Senator Faust-Goudeau.

**SB 316**, AN ACT concerning property taxation; amending K.S.A. 2015 Supp. 79-1801 and 79-2925b and repealing the existing sections, by Senator LaTurner.

**SB 317**, AN ACT relating to economic development; concerning promotion of small businesses and community organizations in low income areas; enacting the Kansas reinvestment act, by Senator Faust-Goudeau.

#### CHANGE OF REFERENCE

The President withdrew **SB 19** and **SB 22** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Judiciary**.

#### MESSAGE FROM THE GOVERNOR

May 18, 2015

*To The Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK  
*Governor*

*Executive Director, Racing and Gaming Commission*, Donald Brownlee (R), Berryton, pursuant to the authority vested in me by K.S.A. 74-8805, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Rick Petersen-Klein.

July 9, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Regent, Board of Regents*, Dennis Mullin (R), Manhattan, pursuant to the authority vested in me by KSA 74-3202a et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2019, to succeed Robba Moran.  
*Regent, Board of Regents*, David Murfin (R), Wichita, pursuant to the authority vested in me by KSA 74-3202a et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2019, to succeed Kenny Wilk.  
*Regent, Board of Regents*, Daniel Thomas (R), Mission Hills, pursuant to the authority vested in me by KSA 74-3202a et seq., and effective upon the date of confirmation by

the Senate, to serve a four year term, to expire June 30, 2019, to succeed Fred Logan.

*Member, Kansas Lottery Commission, Alana Roethle (R), Leawood, pursuant to the authority vested in me by KSA 74-8709, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed Carl Gerlach.*

*Member, Kansas Lottery Commission, Catherine Moyer (D), Ulysses, pursuant to the authority vested in me by KSA 74-8709, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed herself.*

August 19, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Member, Racing and Gaming Commission, Jan Kessinger (R), Leawood, pursuant to the authority vested in me by KSA 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed Laura McConwell.*

*Member, State Board of Tax Appeals, Devin Sprecker (R), Lyndon, pursuant to the authority vested in me by KSA 74-2433 and SB 231, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2016, to succeed Sam Sheldon.*

*Member, Kansas Public Employees Retirement Board of Trustees, Michael Rogers (D), Manhattan, pursuant to the authority vested in me by KSA 74-4905 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed Terry Matlack.*

August 21, 2015

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Member, State Civil Service Board, Raymond Melugin (R), Wichita, pursuant to the authority vested in me by KSA 74-2929a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Correne Green.*

*Member, Kansas Development Finance Authority, Chris Donnelly (R), Tonganoxie, pursuant to the authority vested in me by KSA 74-8903, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017, to succeed Patti Petersen-Klein.*

JANUARY 11, 2016

1755

**COMMUNICATIONS FROM STATE OFFICERS**

January 11, 2016

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

Dear President Wagle:

This letter is to advise you that of the Office of the Secretary of the Senate received the following communications during the interim since adjournment of the 2015 Session of the Legislature:

The Kansas Public Employees Retirement System submitted its annual financial report, its alternative investment report, and also its annual report regarding KPERs investments in Sudan;

The Office of the Attorney General submitted its annual report of the Consumer Protection and Antitrust Division and also its annual report of the Kansas State Child Death Review Board;

The Kansas Housing Resources Corporation submitted its audited financial statements for the fiscal year ending June 30, 2015;

The Johnson County Research Triangle Authority submitted its annual financial report;

The Kansas Development Finance Authority submitted its financial statements for years ended June 30, 2015 and 2014 and its independent auditor's report;

The Pooled Money Investment Board submitted its annual report for fiscal year 2015;

The Central Interstate Low-Level Radioactive Waste Commission submitted its annual report; and

The Kansas Department of Corrections submitted its annual report.

Sincerely,

COREY CARNAHAN  
*Secretary of the Senate*

January 11, 2016

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

Dear President Wagle:

As provided in KSA 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2015 Session of the legislature, the following communications:

Executive Directive No. 15-463 and 15-466 through 15-469, authorizing expenditure of federal funds;

Executive Directive No. 15-464, authorizing fund transfers;  
 Executive Directive No. 15-465 and 15-470, authorizing personnel transactions;  
 Executive Order 15-05, preservation and protection of religious freedom;  
 Executive Order 15-06, designation of the KansasWorks state board as the state  
 workforce development board;  
 and Executive Order 15-07 and 16-01, protecting Kansas from Terrorism.

Sincerely,

COREY CARNAHAN  
*Secretary of the Senate*

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6029**, a resolution relating to the organization of the House of Representatives:

*Be it resolved by the House of Representatives of the State of Kansas:*

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ray Merrick, Speaker  
 Peggy Mast, Speaker Pro Tem,  
 Jene Vickrey, Majority Leader,  
 Tom Burroughs, Minority Leader  
 Susan Kannarr, Chief Clerk  
 Foster Chisholm, Sergeant at Arms,  
 and await the pleasure of the Senate.

Announcing adoption of **HCR 5020**, a concurrent resolution creating a committee to inform the Governor that the legislature is organized and ready to receive communications. Representatives Campbell, Ewy and Sawyer are appointed to wait upon the Governor.

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

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

To escort the Governor: Representatives Campbell, Ewy and Lusker;  
 To escort the Lt. Governor: Representatives Hutchins, Ryckman, Sr. and Whipple;  
 To escort the Supreme Court: Representatives Barker, Estes and Curtis;  
 To escort the Senate: Representatives Barton, Whitmer and Ousley.

**HCR 5020** was introduced and read by title.

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5020** was adopted by voice vote.

The President appointed Senator Bowers and Senator Kelly to wait upon the Governor.

**HCR 5021** was introduced and read by title.

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5021** was adopted by voice vote.

The President appointed Senator Wolf and Senator Francisco to escort the Governor; Senator Denning and Senator Faust-Goudeau to escort the Lieutenant Governor; and Senator Love and Senator Hawk to escort the Supreme Court.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 12, 2016.

# Journal of the Senate

## SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 12, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced guest chaplain, Reverend Randy Lesseski, Central Park Christian Church, Topeka, who delivered the invocation:

Dear Father in Heaven, thank you for the Love and Grace you have given to each of us through your Son, Jesus Christ. Thank you for giving us the privilege to live in these United States, the state of Kansas and the city of Topeka. Thank you for giving us a part of the world that still remains in freedom. You have given us the distinct honor to live and serve with free will, in a time in history that will never be duplicated but always according to your will. We pray, Father, that as this day's activities are carried out in this session that you would first give us the Spirit of Peace. I pray also for clarity and unity. I pray, Father, that you would touch each person in attendance here and give them courage and strength as they move through issues and make decisions that will eventually affect and impact residents of the State of Kansas and in some instances, the world. Father, I pray for your divine protection to be on these men and women as they move through these troubled times. Hold them close, speak to them that when their ears hear you, it will be the voice of a loving Father saying, "fear not."

Father, I also ask that you would comfort and protect Pastor Cecil Washington and his wife as they journey to our nation's capitol to visit his brother Wendell who is very ill. We pray Father for protection and healing in this family. Father, we confess that you are God, our creator, and that Jesus is the Son of God and Savior of the world, and that your Holy Spirit is our comforter and guide. Thank you, Father, for the Grace that you have given us to assemble here today and I pray that you will get all the honor and glory in all that is said and done. It is in the name of Jesus that I pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

### **SPECIAL REMARKS**

President Susan Wagle introduced new staff serving in the Senate for the 2016 legislative session:

Harriet Lange, desk clerk; Bill Uhner and Larry Perry, doormen.

**COMMUNICATIONS FROM STATE OFFICERS**

January 11, 2016

Office of Kansas Attorney General Derek Schmidt

Director of Communications, Clint Blaes, submitted the 2015 Annual Report for the Abuse, Neglect and Exploitation Unit.

January 11, 2016

Kansas Corporation Commission

The following reports were submitted: the Abandoned Oil and Gas Well and Remediation Status Report; the Annual Report on Land Spreading; the Annual Price Deregulation Report; the Biennial Report on Electric Supply and Demand; and the Annual Report of the Public Utilities and Common Carriers.

January 11, 2016

Kansas Electric Transmission Authority

Chairman, Earnest A. Lehman, submitted the Board of the Kansas Electric Transmission Authority (KETA) report of the Authority's tenth full year of activities.

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 318**, AN ACT concerning utilities; relating to state entities; concerning the Kansas electric transmission authority; abolishing certain funds and transferring the balances; amending K.S.A. 2015 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2015 Supp. 74-99d01, 74-99d02, 74-99d03, 74-99d04, 74-99d05, 74-99d06, 74-99d07, 74-99d08, 74-99d10, 74-99d11, 74-99d12, 74-99d13 and 74-99d14, by Committee on Utilities.

**SB 319**, AN ACT concerning civil procedure for limited actions; relating to venue under the small claims procedure act; amending K.S.A. 61-2708 and repealing the existing section, by Committee on Judiciary.

**SB 320**, AN ACT concerning the judicial branch; relating to severability of the provisions of 2015 House Bill No. 2005, chapter 81 of the 2015 Session Laws of Kansas; repealing K.S.A. 2015 Supp. 20-1a18, by Committee on Judiciary.

**SB 321**, AN ACT concerning probate; relating to filing of wills; amending K.S.A. 2015 Supp. 59-618a and repealing the existing section, by Committee on Judiciary.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture: **SB 314**.

Assessment and Taxation: **SB 316**.

Commerce: **SB 317**.

Education: **SB 312**.

Judiciary: **SB 315**.

Ways and Means: **SB 313**.

**REPORT ON ENROLLED BILLS**

**SR 1755** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 12, 2016.

On motion of Senator Bruce, the Senate recessed until 4:50 p.m., for the purpose of a Joint Session to hear the Governor's State of the State address.

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On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 13, 2016.

# Journal of the Senate

THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 13, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Bruce was excused.

President Wagle introduced guest chaplain, Bishop Carl Kemme, Catholic Diocese of Wichita, who delivered the invocation:

Have mercy upon me, O God, according to Thy loving kindness and blot out my transgressions (Psalm 51:1). O Lord our source of light and life, be with the Members of this body. Prosper them in their work, guide them in their tasks, forgive their sins, and bless them as they endeavor to do justly, to love mercy, and to walk humbly with You. Fervently do we invoke Your blessing upon our state. Protect her, O God, from disaster, discord, and division. Let not any enemy triumph over her but let the glories of a just and righteous people filled with good will increase from age to age. Enlighten with Your wisdom and sustain with Your power those in authority, our President and every Member of this Senate, and everyone who is entrusted with our safety and with the guardianship of our rights and liberties. May peace and good will be present in the hearts of all our citizens and may our common faith spread its blessings among us and exalt Kansas in justice and righteousness. And the Senate says, "Amen!"

The Pledge of Allegiance was led by President Susan Wagle.

## COMMUNICATIONS FROM STATE OFFICERS

January 11, 2016

Kansas Commission on Disability Concerns

Executive Director, Martha K. Gabehart, submitted the Kansas Commission on Disability Concerns FY 2015 Annual Report.

President Wagle announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 322**, AN ACT concerning water; relating to applications to appropriate; amending K.S.A. 2015 Supp. 82a-708a and repealing the existing section, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Judiciary: **SB 319, SB 320, SB 321.**

Utilities: **SB 318.**

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**SB 323**, AN ACT concerning school districts; creating the Jason Flatt act; requiring suicide prevention training for school district personnel, by Committee on Corrections and Juvenile Justice.

On motion of Senator Lynn, the Senate adjourned until 2:30 p.m., Thursday, January 14, 2016.

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 14, 2016, 2:30 p.m.

The Senate was called to order by Vice President King.

The roll was called with 40 senators present.

Vice President King introduced guest chaplain Chris Halverson, who has served as Chaplain in the US Senate, and delivered the invocation:

Before we pray, hear the Word of God according to the gospel of Luke. “Now Jesus, of Nazareth, put forth a parable saying, ‘What is the kingdom of God like? And to what shall I compare it? It is like a mustard seed, which a man took and put in his garden; and it grew and became a great tree, and the birds of the air nested in its branches.’ ” Again, he said, “To what shall I liken the Kingdom of God? It is like leaven, which a woman took and hid in three measures of meal till it was all leavened.” (Luke 13:18-21) Father in heaven, is it possible for someone who does not feel worthy of You, or does not even know for sure that You are real, to be wholly embraced by you? Your Word in scripture said that it is. So, I ask that it happen for anyone hearing this prayer to be given ears to hear. And can a group of people from different political points of view and different religious persuasions, come together to form a more perfect union? Your Scriptures declare, and history confirms, that indeed it can happen. So, I ask, by Your own promises that it come true for this legislative body. And with your divine assistance, is it possible for a larger group of people, bound within a certain state, to be governed by justice, righteousness, goodness, truth and love? And can such a miracle affect an entire nation? Your Word says that indeed it is possible. So I humbly ask You to accomplish such a wonder in the state of Kansas. May Kansas be known once again as a place where justice and righteousness come forth out of diversity. And, may it begin here. You have offered a measure of faith to each of us, even if as tiny as a mustard seed. And you have given a portion of truth and gifts of wisdom to all who would receive, even if as small as an ounce of leaven. So, heavenly Father, I ask by Your divine, providential care and abounding grace, that the kingdom hidden among us be sown such as to raise up a mighty tree of liberty. And may Your kingdom, like leaven, give rise to the whole. I make this prayer in the name of Jesus, who spoke of such things and has proven such signs and wonders. Amen

The Pledge of Allegiance was led by Vice President King.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 324**, AN ACT concerning school districts; relating to curriculum on winter celebrations, by Committee on Education.

**SB 325**, AN ACT concerning the revised Kansas code for care of children; relating to child in need of care files; prosecutor access; amending K.S.A. 2015 Supp. 38-2211 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 326**, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2015 Supp. 41-308b and repealing the existing section, by Committee on Federal and State Affairs.

**SB 327**, AN ACT concerning crimes, punishment and criminal procedure; relating to preliminary hearings; hearsay; amending K.S.A. 2015 Supp. 22-2902 and repealing the existing section, by Committee on Judiciary.

**SB 328**, AN ACT concerning the plant pest and agriculture commodity certification act; relating to certain definitions; relating to plant pest containment; amending K.S.A. 2015 Supp. 2-2113, 2-2114, 2-2116 and 2-2117 and repealing the existing sections, by Committee on Natural Resources.

**SB 329**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2015 Supp. 82a-708c and repealing the existing section, by Committee on Natural Resources.

**SB 330**, AN ACT concerning conservation; establishing the Kansas conservation reserve enhancement program, by Committee on Natural Resources.

**SB 331**, AN ACT concerning firearms; enacting the Kansas firearms industry nondiscrimination act, by Committee on Federal and State Affairs.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Education: **SB 323**.

Natural Resources: **SB 322**.

#### **MESSAGE FROM THE GOVERNOR**

January 5, 2016

*To the Senate of the State of Kansas:*

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

SAM BROWNBACK  
*Governor*

*Secretary, Department of Commerce*, Antonio Soave (R), Overland Park, pursuant to the authority vested in me by K.S.A. 74-5002a et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Pat George.

*Secretary, Department of Administration*, Sarah Shipman (R), Topeka, pursuant to the authority vested in me by K.S.A. 75-3702a et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Jim Clark.

*Member, State Board of Tax Appeals*, James Cooper (U), Wichita, pursuant to the authority vested in me by K.S.A. 74-2433 and SB 231, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2020, to succeed himself.

*Member, State Board of Tax Appeals*, Devin Sprecker, (R), Lyndon, pursuant to the authority vested in me by K.S.A. 74-2433 and SB 231, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2020, to succeed himself.

*Member, Employment Security Board of Review*, Valorie Jacobs (R), Arkansas City, pursuant to the authority vested in me by K.S.A. 44-709(f) and SB 187, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed Wayne Michael.

### COMMUNICATIONS FROM STATE OFFICERS

August 3, 2015

Pursuant to K.S.A. 74-99b04, I hereby appoint Mr. Patrick George to the Kansas Bioscience Authority.

Sincerely,

SUSAN WAGLE

*President, Kansas Senate*

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

### MESSAGE FROM THE HOUSE

Announcing passage of **SB 278**.

### REPORTS OF STANDING COMMITTEES

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

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

By the Governor:

Kansas Board of Regents: K.S.A. 74-3202a

Dennis Mullin, to fill a term expiring on June 30, 2019

Kansas Board of Regents: K.S.A. 74-3202a

David Murfin, to fill a term expiring on June 30, 2019

Kansas Board of Regents: K.S.A. 74-3202a

Dr. Daniel Thomas, to fill a term expiring on June 30, 2019

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

Chris Donnelly, to fill a term expiring on January 15, 2017

Kansas Lottery Commission: K.S.A. 74-8709

Catherine Moyer, to fill a term expiring on March 15, 2019

Kansas Lottery Commission: K.S.A. 74-8709

Alana Roethle, to fill a term expiring on March 15, 2019

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

Michael Rogers, to fill a term expiring on January 15, 2019

Executive Director, Kansas Racing and Gaming Commission: K.S.A. 74-8805

Donald Brownlee, to serve at the pleasure of the Governor

Kansas Racing and Gaming Commission: K.S.A. 74-8805

Jan Kessinger, to fill a term expiring on January 15, 2019

State Board of Tax Appeals: K.S.A. 74-2433

Devin Sprecker, to fill a term expiring on January 15, 2016

State Civil Service Board: K.S.A. 75-2929a

Raymond Melugin, to fill a term expiring on March 15, 2018

The Committee on **Judiciary** recommends **SB 320** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **SB 65** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Federal and State Affairs**.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., January 15, 2016.

# Journal of the Senate

FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 15, 2016, 8:00 a.m.

The Senate was called to order pro forma by Senator Ralph Ostmeyer.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 328**.  
Corrections and Juvenile Justice: **SB 325**.  
Education: **SB 324**.  
Federal and State Affairs: **SB 326, SB 331**.  
Judiciary: **SB 327**.  
Natural Resources: **SB 329, SB 330**.

## REFERENCE OF APPOINTMENTS

The following appointment made by the Senate President and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, Kansas Bioscience Authority:*

Pat George, to serve a term ending March 15, 2019.  
(Committee on Commerce)

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committee as indicated:

*Member, Kansas Employment Security Board of Review:*

Valorie Jacobs, to serve a term ending March 15, 2019.  
(Committee on Commerce)

*Secretary, Department of Administration:*

Sarah Shipman, to serve at the pleasure of the Governor.  
(Committee on Ways and Means)

*Member, State Board of Tax Appeals:*

James (Jay) Cooper, to serve a term ending January 15, 2020.  
(Committee on Assessment and Taxation)

*Secretary, Department of Commerce:*

Antonio Soave, to serve at the pleasure of the Governor.  
(Committee on Commerce)

*Member, State Board of Tax Appeals:*

Devin Sprecker, to serve a term ending January 15, 2020.  
(Committee on Assessment and Taxation)

**COMMUNICATIONS FROM STATE OFFICERS**

January 14, 2016

Pursuant to K.S.A. 74-99b04, I hereby appoint Kenneth D. Buchele to the Kansas Bioscience Authority Board of Directors.

Sincerely,

SENATOR ANTHONY HENSLEY

*Senate Minority Leader*

Senator Ostmeyer announced this report is on file in the office of the Secretary of the Senate and is available for review at any time.

**TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 11 through January 15, 2016:

Senator Bowers: congratulating Jean Charles on her 100th Birthday; and

Senator Love: recognizing Bethany Ellis for her achievements in Skills USA competitions.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 19, 2016.

# Journal of the Senate

SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 19, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Pyle was excused.

Reverend Randy Lesseski, Central Park Christian Church, Topeka, delivered the invocation:

Dear Father in Heaven, thank You for Your love toward us. Thank You for giving us the privilege of living in these United States. I pray Your blessing and protection on our government leaders. Give them wisdom. Most of all, thank You for the free gift of Your Son, Jesus Christ. In Jesus' name we pray, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 332**, AN ACT concerning sales taxation; relating to exemptions; the Kansas DUI impact center, inc.; amending K.S.A. 2015 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 333**, AN ACT concerning elections; relating to voter registration; concerning citizenship requirements; amending K.S.A. 2015 Supp. 25-2309 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

**SB 334**, AN ACT concerning the attorney general; relating to notice and opportunity to appear or intervene before statute or constitutional provision declared invalid or unconstitutional; amending K.S.A. 60-1712 and K.S.A. 2015 Supp. 60-224 and repealing the existing sections, by Committee on Judiciary.

## REFERENCE OF APPOINTMENTS

The following appointment made by the Senate Minority Leader and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, Kansas Bioscience Authority:*

Ken Buchele, to serve a term ending March 15, 2018.

(Committee on Commerce)

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2151**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2151** was thereupon introduced and read by title.

**CHANGE OF REFERENCE**

An objection having been made to **SB 320** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

**REPORT ON ENROLLED BILLS**

**SB 278** reported correctly enrolled, properly signed and presented to the governor on January 19, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 20, 2016.

# Journal of the Senate

## SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 20, 2016, 2:30 p.m.

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

The roll was called with 38 senators present.

Senators Love and Pyle were excused.

Vice President King introduced guest chaplain, Pastor Frank Eschmann, Fellowship Bible Church, Topeka, who delivered the invocation:

Father, we thank You for the men and women gathered here today, and for Your many blessings. Thank You for allowing each of them to serve and represent their communities within these chambers, and for the trust and confidence placed in them. Father, I pray for Your strength for each Senator, for Your wisdom in confronting the challenges ahead of them; for an understanding of the true needs of this state. Father, allow this body to work together, seeking unity even amidst disagreement. Free them from distractions and reward them with joy and peace, having completed the task before them today. I trust this group of men and women to You. In Jesus' name we pray, Amen

The Pledge of Allegiance was led by Vice President King.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 335**, AN ACT concerning motor vehicles; relating to passenger vehicles; registration fees, dedicating a portion to the law enforcement training center fund; amending K.S.A. 2015 Supp. 8-143 and 8-145 and repealing the existing sections, by Committee on Ways and Means.

**SB 336**, AN ACT concerning livestock; relating to marks and brands; amending K.S.A. 47-418, 47-421 and 47-426 and K.S.A. 2015 Supp. 47-414, 47-414a, 47-416, 47-417, 47-417a, 47-420, 47-422, 47-428, 47-446 and 47-1011a and repealing the existing sections; also repealing K.S.A. 47-423, 47-436, 47-438, 47-439, 47-440, 47-445 and 47-447 and K.S.A. 2015 Supp. 47-418a, 47-432, 47-433, 47-434, 47-435, 47-437, 47-441, 47-442 and 47-448, by Committee on Natural Resources.

**SB 337**, AN ACT concerning water; relating to the water appropriation act; annual water use report; amending K.S.A. 2015 Supp. 82a-732 and repealing the existing section, by Committee on Natural Resources.

**SB 338**, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2015 Supp. 12-1750 and 12-1756a and repealing the existing sections, by Committee on Commerce.

**SB 339**, AN ACT concerning insurance; relating to property and casualty insurance; pertaining to certain homeowners insurance policies, by Committee on Financial Institutions and Insurance.

**SB 340**, AN ACT concerning the office of the securities commissioner of Kansas; appointment of securities commissioner by the commissioner of insurance; cooperation with the insurance department; amending K.S.A. 2015 Supp. 75-6301 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 341**, AN ACT concerning the Kansas medical assistance program; relating to the electronic claims management system; removing certain limitations thereunder; amending K.S.A. 2015 Supp. 39-7,121 and repealing the existing section, by Committee on Public Health and Welfare.

#### REFERENCE OF BILLS

Assessment and Taxation: **SB 332**

Ethics and Elections: **SB 333**

Judiciary: **SB 334; Sub HB 2151**

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1756—

A RESOLUTION congratulating and commending Northwest Kansas Technical College for being selected as an Apple Distinguished School for 2015-2017

WHEREAS, Northwest Kansas Technical College has been selected to be nationally recognized as an Apple Distinguished School for 2015-2017. This is the second time that Northwest Tech has been selected as an Apple Distinguished School; and

WHEREAS, The selection of Northwest Kansas Technical College as an Apple Distinguished School for 2015-2017 highlights its continued successes in enhancing the process of teaching and learning with thoughtful and innovative implementations of technology. Northwest Tech was the first two-year college in the United States to implement complete iPad integration in the classroom; and

WHEREAS, The administration and faculty have shown that they demonstrate the Five Best Practices of an Apple Distinguished School: Visionary leadership, innovative learning and teaching, ongoing professional training, compelling evidence of success and a flexible learning environment; and

WHEREAS, Apple has given Northwest Kansas Technical College a number of awards in recent years. Northwest Tech was the first two-year college to be awarded both the Apple Distinguished Program Award and the Apple Distinguished School Award: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Northwest Kansas Technical College for being selected as an Apple Distinguished School for 2015-2017; and

*Be it further resolved:* That the Secretary of the Senate shall send six enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1756** was adopted by voice vote.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** begs leave to submit the following report:

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

By the Governor:

Department of Commerce, Secretary: K.S.A. 74-5002a

Antonio J. Soave, serves at the pleasure of the Governor

Committee on **Judiciary** recommends **SB 319, SB 321** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 21, 2016.

# Journal of the Senate

EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 21, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 38 senators present.  
Senators Donovan and Pyle were excused.  
Vice President King introduced guest chaplain, Pastor Nick Strobel, Fellowship Bible Church, Topeka, who delivered the invocation:

Father, we come to You today to ask Your will and direction over our state and its people. Give our representatives a spirit of unity as they seek to govern and administrate together. Let them be brought together by their common desire to make our state strong. We ask You to give them wisdom as they steward the finances, resources and people You have entrusted to them. Work in the hearts and minds of this body for the good of Your people and the glory of Your name. In the name of Jesus we pray. Amen

The Pledge of Allegiance was led by Vice President King.

## POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce Barbara Fuller and Betty Arnold, members of the Sedgwick County School Board.  
Senators honored the guests with applause.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 342**, AN ACT concerning schools; creating the student online personal protection act, by Committee on Education.

**SB 343**, AN ACT concerning tanning facilities; relating to the maximum permitted interior temperature of a tanning device; amending K.S.A. 65-1924 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 344**, AN ACT renaming the Kansas state board of cosmetology; amending K.S.A. 65-1,148, 65-1920, 74-2701, 74-2702, 74-2702a and 74-2706 and K.S.A. 2015 Supp. 39-938, 65-1901, 65-1902, 65-1904a, 65-1904b, 65-1909, 65-1940, 65-2872, 74-1806, 74-2704 and 75-3717 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 345**, AN ACT concerning professions regulated by the Kansas state board of cosmetology; relating to prohibited licensee activity; manicurist licensure; apprentice licensure; reciprocal licensure; amending K.S.A. 2015 Supp. 65-1902, 65-1904b, 65-

1906 and 65-1912 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 346**, AN ACT concerning telecommunications; relating to rural telephone companies; universal service support, recovery of costs; amending K.S.A. 66-2001 and K.S.A. 2015 Supp. 66-1,187, 66-2005, 66-2008 and 66-2017 and repealing the existing sections, by Committee on Utilities.

**SB 347**, AN ACT concerning legislators; dealing with per calendar day compensation; amending K.S.A. 2015 Supp. 46-137a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 348**, AN ACT concerning firearms; relating to the personal and family protection act; relating to carrying concealed handguns in postsecondary educational institution buildings; amending K.S.A. 2015 Supp. 75-7c20 and repealing the existing section, by Senators Hawk, Faust-Goudeau, Francisco, Holland and Pettey.

**SB 349**, AN ACT concerning motor vehicles; relating to commercial driver's licenses; hazardous materials endorsement exemption, by Committee on Transportation.

**SB 350**, AN ACT concerning motor vehicles; relating to vehicle registration, fees; creating the Kansas highway patrol staffing and training fund; amending K.S.A. 2015 Supp. 8-145 and repealing the existing section, by Committee on Transportation.

**SB 351**, AN ACT concerning the state board of healing arts; relating to the licensure of acupuncturists; amending K.S.A. 2015 Supp. 65-2872 and repealing the existing section, by Committee on Public Health and Welfare.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 336**.

Commerce: **SB 338**.

Financial Institutions and Insurance: **SB 339**, **SB 340**.

Natural Resources: **SB 337**.

Public Health and Welfare: **SB 341**.

Transportation: **SB 335**.

## COMMUNICATIONS FROM STATE OFFICERS

January 14, 2016

Kansas State Employees Health Care Commission

Director, State Employee Health Plan, Mike Michael, submitted the Kansas State Employees Health Care Commission 2015 Annual Report.

January 15, 2016

Kansas State Treasurer

State Treasurer, Ron Estes, submitted the 2015 Annual Report for the Kansas State Treasurer's Office.

January 20, 2016

Kansas Bureau of Investigation

Director, Kirk D. Thompson, submitted the 2015 KBI State Forfeiture Fund Annual Report.

January 21, 2016  
Board of Indigents' Defense Services

The Board of Indigents' Defense Services submitted the 2015 Annual Report.

Vice President King announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2449**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2449** was thereupon introduced and read by title.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 22** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 22," as follows:

"Substitute for SENATE BILL No. 22

By Committee on Judiciary

"AN ACT concerning courts; relating to municipal court; notice; amending K.S.A. 2015 Supp. 12-4516, 21-6614, 22-2410 and 22-3609 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f.";

And the substitute bill be passed.

Also, **SB 19** be amended on page 2, in line 4, by striking "2014" and inserting "2015"; in line 16, by striking "2014" and inserting "2015";

On page 3, in line 9, by striking "2014" and inserting "2015";

On page 7, in line 41, by striking "2014" and inserting "2015";

On page 1, in the title, in line 3, by striking "2014" and inserting "2015"; and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

**SR 1756** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 21, 2016.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m. January 22, 2016.

# Journal of the Senate

NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 22, 2016, 8:00 a.m.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 352**, AN ACT concerning real estate; relating to licensing requirements for nonresidents; amending K.S.A. 58-3040 and repealing the existing section, by Committee on Commerce.

**SB 353**, AN ACT concerning property taxation; relating to exemptions; allowing county appraisers to exempt certain federal property without order of the board of tax appeals; amending K.S.A. 2015 Supp. 79-213 and repealing the existing section, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Committee of the Whole: **HB 2449**.

Education: **SB 342**.

Federal and State Affairs: **SB 348**.

Public Health and Welfare: **SB 343, SB 344, SB 345, SB 351**.

Transportation: **SB 349, SB 350**.

Utilities: **SB 346**.

Ways and Means: **SB 347**.

## COMMUNICATIONS FROM STATE OFFICERS

January 20, 2016  
Kansas Highway Patrol

Superintendent, Mark Bruce, submitted the 2015 Kansas Highway Patrol Annual Report.

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

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 19 through January 22, 2016:

Senator Love: congratulating Logan Coghill on achieving the rank of Eagle Scout, congratulating Andrew Lower on achieving the rank of Eagle Scout; and

Senator Ostmeyer: recognizing Northwest Kansas Technical College on being selected as an Apple Distinguished School for 2015-17, congratulating Adam Elliot on his selection as an Apple Distinguished Educator, congratulating Bernie and Bonnie Huelsmann on their 65th wedding anniversary, congratulating Bud and Bonnie Lager on their 65th wedding anniversary, congratulating George and Dorothy Ladenburger on their 65th wedding anniversary, recognizing Hoxie Implement Co., Inc. on over 50 years of being in business.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, January 25, 2016.

# Journal of the Senate

## TENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 25, 2016, 2:30 p.m.

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

The roll was called with 33 senators present.

Senators Faust-Goudeau, Haley, Hawk, Holland, Holmes, Love and Pyle were excused.

Vice President King introduced Pastor Gary Roten who offered the invocation:

Jesus, thank You for this day. Thank You for this new week. I praise You, that You are the same yesterday, today, and tomorrow. I know in Psalm 61:1-2 it says, "God, hear my cry for help. Listen to my prayer. From a place far away I call out to You. I call out as my heart gets weaker. Lead me to the safety of a rock that is high above me." As a United States citizen, as a Kansas citizen, Jesus, as a Christian, I pray to You this day. Hear my cry. Listen to my prayer. I pray as this governing body gathers, that You will give them patience where needed, that You will grant them wisdom in trying to solve the complicated issues facing our state. Also, I pray for these individuals in this room. Most here have sacrificed to be part of this important deliberative process and are spending time away from their families. Some of them are carrying burdens and worries in their personal life. You also brought me here today to acknowledge that You love them, know of their challenge and Your desire for them to trust you. I know in Psalm 55:22 it says, "Turn your worries over to the Lord. He will keep you going. He will never let godly people fall." So, I also pray . . . help them . . . guide them. Bless them in their personal life and in their family life. I know the Bible says in Psalm 27:7, "Lord, hear my voice when I call out to You. Show me Your favor and answer me." Jesus, today we have called out to You to help with these who are passing laws. We have cried to You for help with possible personal burdens we may be carrying. We ask You to be gracious and show us favor with answering this prayer. In Jesus' name I pray. Amen

The Pledge of Allegiance was led by Vice President King.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 354**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2015 Supp. 74-50,107, 74-99b34,

75-6609 and 79-34,161 and repealing the existing sections, by Committee on Ways and Means.

**SB 355**, AN ACT concerning crimes, punishment and criminal procedure; dealing with criminal use of weapons; relating to possession of firearms; amending K.S.A. 2015 Supp. 21-6301, 38-2202, 75-7c25 and 75-7c26 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 356**, AN ACT concerning school districts; relating to capital improvements; creating the school district bond project review board; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section, by Committee on Education.

**SB 357**, AN ACT concerning education; relating to longitudinal reading programs; requiring the state department of education to study such programs, by Committee on Education.

**SB 358**, AN ACT concerning the nurse educator service scholarship; relating to the definition of school of nursing; amending K.S.A. 2015 Supp. 74-32,220 and repealing the existing section, by Committee on Education.

**SB 359**, AN ACT concerning property taxation; relating to county appraisers; market study analysis; persons eligible to be appointed to office of appraiser, removal; amending K.S.A. 19-432 and 79-1460a and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 360**, AN ACT concerning open meetings; relating to certain justifications for closing meetings; amending K.S.A. 2015 Supp. 75-4319 and repealing the existing section, by Committee on Judiciary.

**SB 361**, AN ACT concerning the open records act; relating to definitions; public agency and public record; amending K.S.A. 2015 Supp. 45-217 and repealing the existing section, by Committee on Judiciary.

**SB 362**, AN ACT concerning the criminal justice information system; relating to electronically stored information; hearsay exception for official record, authentication of record; amending K.S.A. 60-465 and K.S.A. 2015 Supp. 22-4701, 22-4705 and 60-460 and repealing the existing sections, by Committee on Judiciary.

**SB 363**, AN ACT concerning the state board of healing arts; relating to the licensure of acupuncturists; amending K.S.A. 2015 Supp. 65-2872 and repealing the existing section, by Senators O'Donnell, Arpke, Baumgardner, Bruce, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Masterson, McGinn, Olson, Petersen, Pettey, Powell, Smith, Wagle, Wilborn and Wolf.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 353**.

Commerce: **SB 352**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 26, 2016.

# Journal of the Senate

## ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 26, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators Holland and Pyle were excused.

President Wagle introduced guest chaplain Pastor Carl Frazier, Southwest Baptist Church, Topeka, who delivered the invocation:

Dear God, we want to remember You and Your Holy Word today and every day of our lives. Our hope is that people, especially leaders, remember and follow Proverbs 21:3 which states: "Do what is right and just; that is more pleasing to God than sacrifice." Help each of us to look out and see the multitudes who are hurting due to insufficient funding and opportunity in the areas of education, mental health, low wages, prisons and access to health care and jobs. Our prayer is that leaders will look around the room where business is taking place, and it won't just be people looking like them, but help them to see the need for equal opportunity for all people. We pray that You Lord are calling on leaders to understand the things that continue to depress our state. Please bless all leaders in this world including their families, health, strength, bodies, minds and souls. We ask You to build them up where they are torn down and strengthen them where they are weak. This is my prayer in the mighty name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

### POINT OF PERSONAL PRIVILEGE

Senator Longbine rose on a Point of Personal Privilege to introduce Allison Garrett, new President of Emporia State University.

Senators honored President Garrett with a standing ovation.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 364**, AN ACT updating statutory references necessitated by 2012 Executive Reorganization Order 41; amending K.S.A. 75-5309, 76-157 and 76-158 and K.S.A. 2015 Supp. 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 365**, AN ACT concerning economic development of environmentally contaminated property; relating to liability for cleanup costs; enacting the contaminated property redevelopment act, by Committee on Commerce.

**SB 366**, AN ACT relating to economic development; concerning price controls on the purchase or sale of private residential or commercial property; amending K.S.A. 12-16,120 and repealing the existing section, by Committee on Commerce.

**SB 367**, AN ACT concerning children and minors; relating to juvenile justice; amending K.S.A. 12-4112 and 20-167 and K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, 38-2202, 38-2232, 38-2242, 38-2243, 38-2255, 38-2260, 38-2288, 38-2302, 38-2304, 38-2313, 38-2325, 38-2330, 38-2331, 38-2332, 38-2342, 38-2343, 38-2344, 38-2346, 38-2347, 38-2360, 38-2361, 38-2366, 38-2367, 38-2368, 38-2369, 38-2371, 38-2372, 38-2373, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389, 65-5603, 72-1113, 72-8222, 72-89b03, 72-89c02, 74-4914, 75-7023, 75-7038, 75-7044, 75-7046 and 79-4803 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2334, 38-2335, 38-2364 and 38-2365, by Committee on Corrections and Juvenile Justice.

**SB 368**, AN ACT concerning certain elections; dealing with limitations on the use of public funds; amending K.S.A. 10-120a and K.S.A. 2015 Supp. 25-4169a and repealing the existing sections, by Committee on Ethics and Elections.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 359**.

Education: **SB 356, SB 357, SB 358**.

Federal and State Affairs: **SB 355**.

Judiciary: **SB 360, SB 361, SB 362**.

Public Health and Welfare: **SB 363**.

Ways and Means: **SB 354**.

#### **MESSAGES FROM THE GOVERNOR**

**SB 278** approved on January 25, 2016.

#### **COMMUNICATIONS FROM STATE OFFICERS**

January 19, 2016

Department for Aging and Disability Services

Interim Secretary, Timothy E. Keck, submitted the 2015 Annual Report of the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program.

January 22, 2016

Board of Pharmacy

Executive Secretary, Alexandra Blasi, JD, MBA, submitted the Report on Substances Proposed for Scheduling, Rescheduling or Deletion.

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 27, 2016.

# Journal of the Senate

## TWELFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 27, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Pastor Carl Frazier:

My God and my hope for the future. When we meet You one day, You won't ask if we are Democrats, Republicans, Independents, or a member of the Tea Party. You won't even identify us as Indian, African American, Hispanic or White, but prayerfully as Your good and faithful servants. As Your servant, I ask that the decisions that are made by our selected representatives be non-partisan and beneficial to all the citizens of Kansas and not a select few. You tell us in Matthew 25 that "inasmuch as You did not do it to one of the least of these, You did not do it to Me." Help each of us to remember that our responsibility to humanity is to feed the hungry, provide drink to those who thirst, clothe the naked, provide help to the sick and justice to those in prison. Lord, I pray that every bill that's debated and every law that is passed in these state chambers are targeted to positively impact even the least of them. That each person who passes bills and votes them into law, have mercy and walk in love with You. Finally, I ask that we remember Your words in Micah 6:8 that say, "He has shown you, O man, what is good; And what does the Lord require of you, but to do justly, to love mercy and to walk humbly with your God?" Help us to do what is good, to do what is just, to love mercy and walk humbly with You. Lord, this is my prayer in the mighty name of Jesus. Amen

The Pledge of Allegiance was led by Vice President King.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 369**, AN ACT concerning the Kansas mortgage business act; relating to the state bank commissioner; amending K.S.A. 9-2206 and K.S.A. 2015 Supp. 9-2201, 9-2202, 9-2203, 9-2205, 9-2208, 9-2209, 9-2211, 9-2212, 9-2216 and 9-2216a and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 370**, AN ACT concerning insurance; relating to the payment of certain insurance proceeds; cities and counties; amending K.S.A. 40-3901, 40-3902, 40-3903, 40-3904, 40-3905 and 40-3907 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 371**, AN ACT enacting the KanCare bridge to a healthy Kansas program, by Committee on Federal and State Affairs.

**SB 372**, AN ACT concerning public assistance; relating to recovery of assistance debt; verification of identity and income; fraud investigations; child care subsidies; work requirements; lifetime benefit limits; amending K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 373**, AN ACT concerning motor vehicles; relating to driver's licenses; operating vehicles with temporary registration; amending K.S.A. 2015 Supp. 8-235 and repealing the existing section, by Committee on Transportation.

**SB 374**, AN ACT concerning sureties; relating to justification and approval; amending K.S.A. 22-2806 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 375**, AN ACT concerning intellectual disability; relating to the definition of significantly subaverage general intellectual functioning; amending K.S.A. 2015 Supp. 76-12b01 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 376**, AN ACT concerning law enforcement agencies; relating to reports of missing persons; amending K.S.A. 2015 Supp. 75-712c and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 377**, AN ACT concerning driving; relating to preliminary screening test of breath or saliva; reasonable suspicion; amending K.S.A. 2015 Supp. 8-1012 and repealing the existing section, by Committee on Judiciary.

**SB 378**, AN ACT concerning employment; relating to prohibiting discrimination or retaliation; victims of domestic violence or sexual assault; complaint procedure; application of Kansas act against discrimination; amending K.S.A. 2015 Supp. 44-1131 and 44-1133 and repealing the existing sections, by Committee on Judiciary.

**SB 379**, AN ACT concerning alcoholic beverages; relating to farm wineries; amending K.S.A. 2015 Supp. 41-311 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 380**, AN ACT concerning taxation; relating to motor vehicles, exemption of military personnel vehicles; amending K.S.A. 2015 Supp. 79-5107 and repealing the existing section, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 365**, **SB 366**.

Corrections and Juvenile Justice: **SB 367**.

Ethics and Elections: **SB 368**.

Public Health and Welfare: **SB 364**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Abrams and Arpke introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1757—

A RESOLUTION congratulating and commending the members of the  
2016 Kansas Teacher of the Year team.

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

WHEREAS, Two teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as the Kansas Teacher of the Year, with the winner being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2016 Kansas Teacher of the Year and the finalists were honored at an awards banquet on November 21, 2015. All members received a cash award as well as mementos of the event; and

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

WHEREAS, The 2016 Kansas Teacher of the Year is Justin Coffey, Dodge City USD 443; and the regional finalists are Kristoffer R. Barikmo, Blue Valley USD 229; Lucinda M. Crenshaw, Lawrence USD 497; Shelly Jennings, Maize USD 266; Sheila E. Koup, Eureka USD 389; Nona Mason, Goodland USD 352; B. Jolene Pennington, Paola USD 368; and Anna Sahadeo, De Soto USD 232: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the members of the 2016 Kansas Teacher of the Year team and wish Mr. Coffey success in the national competition; and

*Be it further resolved:* That the Secretary of the Senate shall provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2016 Kansas Teacher of the Year team.

On emergency motion of Senator Abrams **SR 1757** was adopted by voice vote.

Senators honored the Teacher of the Year and regional finalists with a standing ovation.

## REPORTS OF STANDING COMMITTEES

The Committee on **Corrections and Juvenile Justice** recommends **SB 147** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 147," as follows:

"Substitute for SENATE BILL No. 147

By Committee on Corrections and Juvenile Justice

"AN ACT concerning hemp preparation for treatments for seizure disorders; establishing registration of patients and preparation centers; protecting from arrest, prosecution or discrimination for authorized use.;"

And the substitute bill be reported without recommendation.

Also, **HB 2049** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2049," as follows:

"Senate Substitute for HOUSE BILL No. 2049

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to

possession of controlled substances; burglary; amending K.S.A. 2015 Supp. 21-5706 and 21-5807 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 242** be amended on page 1, in line 7, by striking "2014" and inserting "2015";

On page 2, in line 28, by striking "2014" and inserting "2015"; in line 31, by striking "2014" and inserting "2015"; in line 40, by striking "2014" and inserting "2015";

On page 1, in the title, in line 4, by striking "2014" and inserting "2015"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 313** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **Sub SB 147** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Public Health and Welfare**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 28, 2016.

# Journal of the Senate

## THIRTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 28, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced guest chaplain, Reverend Jeff Clinger, Topeka First United Methodist Church, Topeka, who delivered the invocation:

God of all people and all places, we are privileged to bow before You this afternoon as Kansans. We are grateful for the heritage of our great state. We are grateful for the privilege of living as citizens of this country. We are grateful for the goodness of all of Your creation. We confess to You, O God, that all too often we let our agendas overshadow Your will for us. We confess to You, O God that all too often our divisions define us: we are liberal and conservative, Republican and Democrat, Wildcat and Jayhawk and Shocker. Help us remember, this day and always, that before the various loyalties and allegiances we claim, You claim us. Help us remember that we are Yours. Help us remember that we are created in Your image. Help us remember that we are brothers and sisters. Help us remember that we are more alike than different. Help us remember that we are called to use the gifts we have been given for the good of all Your people. We pray these things, as grateful citizens of Kansas, and of Your glorious creation as a whole. In Your Holy Name, Amen.

President Wagle introduced the Topeka High School Madrigals who performed the National Anthem and Kansas State song, Home on the Range.

The Pledge of Allegiance was led by President Wagle.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 381**, AN ACT concerning insurance; relating to certain health benefit plans; prescription drug refills, by Committee on Financial Institutions and Insurance.

**SB 382**, AN ACT repealing K.S.A 8-1107; eliminating the requirement that certain notices, publications and affidavits be filed with the county clerk by a person providing wrecker or towing service, by Committee on Transportation.

**SB 383**, AN ACT concerning elections; relating to voter registration; allowing voter registration on election days; amending K.S.A. 2015 Supp. 25-2311, 25-2316c and 25-3602 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 384**, AN ACT concerning wildlife, parks and tourism; relating to the nongame and endangered species act; amending K.S.A. 32-958, 32-960a and 32-961 and repealing the existing sections, by Committee on Ways and Means.

**SB 385**, AN ACT concerning hospitals; relating to vaccination prior to patient discharge, by Committee on Public Health and Welfare.

**SB 386**, AN ACT relating to diabetes information reporting, by Committee on Public Health and Welfare.

**SB 387**, AN ACT concerning financial institutions; relating to certain savings account promotions; state bank commissioner; credit union administrator, by Senators Bruce, Bowers and Wilborn.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 374**, **SB 375**, **SB 376**.

Federal and State Affairs: **SB 379**.

Financial Institutions and Insurance: **SB 369**, **SB 370**.

Judiciary: **SB 377**, **SB 378**.

Public Health and Welfare: **SB 371**, **SB 372**.

Transportation: **SB 373**.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Lynn the following report was adopted:

**HB 2449** be passed.

#### CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committees on **Commerce** and **Confirmation Oversight**.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

Dennis Mullin, Term ends June 30, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

David Murfin, Term ends June 30, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Regents:*

Daniel Thomas, Term ends June 30, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Development Finance Authority:*

Chris Donnelly, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

Catherine Moyer, Term ends March 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

Alana Roethle, Term ends March 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Public Employees Retirement Board of Trustees:*

Michael Rogers, Term ends January 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Donald Brownlee, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Jan Kessinger, Term ends January 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Devin Sprecker, Term ends January 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Raymond Melugin, Term ends March 15, 2018

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Commerce:*

Antonio Soave, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 319** and **SB 321**, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 319**, AN ACT concerning civil procedure for limited actions; relating to venue under the small claims procedure act; amending K.S.A. 61-2708 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 321**, AN ACT concerning probate; relating to filing of wills; amending K.S.A. 2015 Supp. 59-618a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2449** was advanced to Final Action and roll call.

**HB 2449**, AN ACT concerning the judicial branch; relating to severability of the provisions of 2015 House Bill No. 2005, chapter 81 of the 2015 Session Laws of Kansas; repealing K.S.A. 2015 Supp. 20-1a18.

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

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner.

The bill passed.

### EXPLANATION OF VOTE

Madam President: As predicted, the bill passed by this body in 2014 was lawsuit inducing and potentially unconstitutional; the concern expressed in an editorial published by a respected Kansas newspaper, that the bill in 2015 "...it risks both the balance of powers and the ability of the State's judiciary to function..." has rung true. I respect and have sworn to uphold Kansas' and the United States' three branches of government: Executive, Legislative and Judicial, as provided for in the Constitutions of both. The 2014 bill that tied judicial funding to policy initiatives when the Legislature (over my objection then too) took away the Supreme Court's power to appoint chief district judges or to then directly control their appropriations. In 2015 a bill once again showed blatant disrespect for our State's Constitution. We should insure that the Judiciary has both funding and independence (see Explanation of Vote; Senate Journal, page 819, from May 31, 2015). Accordingly, as both the ranking member of Senate Judiciary and but one of only three lawyers in this Chamber of forty members, I am pleased to vote "Yea" on **HB 2449** to eliminate the non-severability clause in **HB 2005** passed in 2015.—DAVID HALEY

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** begs leave to submit the following report:

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

By the Governor:

Member, Employment Security Board of Review: K.S.A. 44-709(f)

Valorie L. Jacobs, for a term of four years

Committee on **Utilities** recommends **SB 318** be passed.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., January 29, 2016.

# Journal of the Senate

FOURTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 29, 2016, 8:00 a.m.

The Senate was called to order pro forma by Senator Tom Arpke.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 388**, AN ACT concerning postsecondary education; relating to the awarding of credit hours for degree completion, by Committee on Assessment and Taxation.

**SB 389**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2017, and June 30, 2018, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 38-2102 and K.S.A. 2015 Supp. 75-2319 and repealing the existing sections, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 383**.

Financial Institutions and Insurance: **SB 381**, **SB 382**, **SB 387**.

Natural Resources: **SB 384**.

Public Health and Welfare: **SB 385**, **SB 386**.

## REPORT ON ENROLLED BILLS

**SR 1757** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 29, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 25 through January 29, 2016:

Senator Bowers: congratulating Kathy Schwerdtfager on being elected president of the KBA Young Bank Officers of Kansas, recognizing Rev. Don McCarthy on his 50 years as a KSHSAA sports official, congratulating Spencer Davidson on winning first place in the Kansas Association of Conservation Districts essay contest, recognizing Matthew Van Dyke on achieving the rank of Eagle Scout, congratulating Candace Rachel on being named the Plainville Citizen of the Year for 2015, congratulating Stan and Donna Kats for being named the Phillips County Farm Bureau Farm Family of the

Year, congratulating Michael Sinclair on being named the Rooks County Health Center Employee of the Year, congratulating Dwight and Marilyn Miller on receiving the Kansas Farm Bureau Friend of Agriculture Award, congratulating Darrell and Avonne Rubottom on receiving the Kansas Farm Bureau Friend of Agriculture Award, congratulating Art Duerksen on receiving the Patriot Award, congratulating Miranda Clark-Ulrich on being named a 2015 NAIA Scholar Athlete;

Senator Faust-Goudeau: congratulating Saint Matthew C.M.E. Church in Wichita on its 100th Church Anniversary;

Senator Kelly: congratulating Melanie Shreve on receiving the Military Health Systems Nursing Leadership Excellence Award;

Senator O'Donnell: congratulating Wink Hartman on his 70th Birthday and commending his service to the State of Kansas, congratulating Mort's Martini and Cigar Bar on its 20th Anniversary; and

Senator Ostmeyer: congratulating Alicia Feyerherm on winning first place in the "If I Were Mayor" Essay Contest, congratulating Trevor Zarbnicky on winning first place in the "If I Were Mayor" Essay Contest, congratulating Nona Mason on being named a 2016 Regional Teacher of the Year.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 1, 2016.

# Journal of the Senate

FIFTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 1, 2016, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Haley was excused.

Invocation by Reverend Cecil Washington, Jr.:

Lord, I want to offer a two-part prayer today. One: in accordance with 1 Timothy 2:1; for me, it's a prayer of thanks. Gratefulness is realizing that the blessings in my life are due to Your gracious Hand and the hands of others You choose to use. During the last three weeks, all through the time of my brother Wendell's home-going, Your faithfulness to me and my family met the need. From the halls of this Senate, You generated prayers of support and encouraging expressions of love. Thank You for using those under this dome to help provide me with internal braces to handle the external pressures. You are awesome in what You do and how You do it. Secondly; in accordance with 1 Timothy 2:2-4, we pray for those in authority...for those under this dome and the service You've called them to render. As these Senators and supporting staff combine their efforts to bless the citizens of Kansas, would You meet each and every one at the point of each and every need. In Matthew 7:12, You said we're to do unto others as we would have done to us. So, Lord, as our needs are mutual, You want them reciprocal. We need to give respect and to be respected, regardless of the political view. We need to listen and we need to be heard...to understand and to be understood...to consider and to be considered. We need to be patient with one another, realizing that no one has all the answers. We need to share with one another, loving expressions of appreciation. Not from false disguises of virtue, but as channels, conduits for Your loving kindness. You truly are the source from which will spring our success. Thank You for being our Need Meeter! In Jesus Name. Amen

The Pledge of Allegiance was led by Vice President King.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 390**, AN ACT concerning the state banking code; relating to the state bank commissioner; amending K.S.A. 2015 Supp. 9-519, 9-534, 9-701, 9-801, 9-802, 9-803, 9-804, 9-808, 9-809, 9-811, 9-812, 9-814, 9-815, 9-816, 9-901a, 9-902, 9-903, 9-904, 9-906, 9-907, 9-1101, 9-1102, 9-1104, 9-1111, 9-1112, 9-1114, 9-1122, 9-1124, 9-1127c, 9-1130, 9-1137, 9-1213, 9-1304, 9-1401, 9-1402, 9-1405, 9-1408, 9-1504, 9-1506, 9-1601, 9-1607, 9-1609, 9-1611, 9-1704, 9-1712, 9-1715, 9-1720, 9-1721, 9-1722, 9-

1724, 9-1807, 9-1902, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-1915, 9-2007, 9-2011, 9-2104, 9-2107 and 9-2108 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 391**, AN ACT concerning visual depictions of children; creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child; relating to sexual exploitation of a child; amending K.S.A. 2015 Supp. 21-5510 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 392**, AN ACT concerning criminal procedure; relating to the uniform mandatory disposition of detainer act; notice; amending K.S.A. 22-4302, 22-4306 and 22-4308 and K.S.A. 2015 Supp. 22-4301, 22-4303 and 22-4304 and repealing the existing sections; also repealing K.S.A. 22-4307, by Committee on Corrections and Juvenile Justice.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Education: **SB 388**.

Ways and Means: **SB 389**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 2, 2016.

# Journal of the Senate

SIXTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 2, 2016, 2:30 p.m.

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

Heavenly Father, there's a secret we need the answer to. The Apostle Paul alluded to it in Philippians 4:12-13. When speaking from experience, he said he had learned this secret: how to be in abundance...well-off and also how to be in need...to be hard up. Lord, only You can give us the answer to the secret of knowing both. No matter which way the pendulum has swung at any given moment in life, if You would help us know the secret, then we could thoughtfully identify...even empathetically enter into either realm of existence, so as to understand the unique needs of the wealthy and how to harmonize that with the unique needs of the poor. One of the secrets to producing and loving a good cake is to know the various ingredients and learn to adequately blend them. One of the secrets to producing and loving a good social order is to know the various components and learn to adequately blend them. Lord, help us in the Senate...in the House...in our homes...in our work places...in all that we do, learn the various constituents and the secret of how to blend them. Lord, You said love seeks to understand and Paul said he'd learned the secret of how to do that. He said it was by Your power...Your gracious, loving power. Reveal to us...uncover for each of us, the secret of impartial love. The kind of love for our fellowman, that regardless of status, is unprejudiced and can only come from You. In the name of Him who loved us to death, Jesus, the Christ, Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 393**, AN ACT concerning the the Kansas family law code; relating to child custody, residency and parenting time; consideration of domestic abuse; amending K.S.A. 2015 Supp. 23-3201 and 23-3203 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 394**, AN ACT concerning children and families; enacting the supporting families act; relating to temporary care for children, by Committee on Public Health and Welfare.

**SB 395**, AN ACT concerning the legislature; relating to regular sessions; legislators' compensation; amending K.S.A. 46-137e, 46-157 and 75-3212 and K.S.A. 2015 Supp.

46-137a and repealing the existing sections, by Committee on Judiciary.

**SB 396**, AN ACT enacting the Kansas zero-based budget law; relating to zero-based budget review of state agencies, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1608

By Committee on Transportation

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the state highway fund in the state treasury.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

**"§ 14. State Highway Fund.**

(a) On and after July 1, 2017, moneys shall be appropriated, expended or transferred from the state highway fund that is established and maintained in the state treasury only as follows:

- (1) To cities on the state highway system for transportation projects;
- (2) for the construction, improvement, reconstruction and maintenance of the state highway system;
- (3) for improvements in transportation programs to aid elderly persons, persons with disabilities and the general public;
- (4) for any purpose specified pursuant to a comprehensive transportation program;
- (5) for the support and maintenance of the department of transportation;
- (6) for the expenses of administering the motor vehicle registration and drivers' license laws; and
- (7) for the payment of losses to department of transportation employees authorized pursuant to law.

(b) Under no circumstances shall moneys be transferred from the state highway fund or appropriated or expended from the state highway fund for any purpose not provided for in this amendment.

(c) The legislature may enact laws to carry out the purposes of this section."

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

"Explanatory statement. The purpose of this amendment is to prevent transfers and limit expenditures from the state highway fund to only those items related to transportation set forth in the amendment.

"A vote for this amendment would provide that moneys credited to the state highway fund would only be used for those purposes set forth in the amendment as prescribed by law.

"A vote against this amendment would make no changes in current law concerning the state's finances."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 391, SB 392.**

Financial Institutions and Insurance: **SB 390.**

### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2387** be amended on page 1, in line 8, by striking "2014" and inserting "2015";

On page 2, in line 35, by striking "2014" and inserting "2015";

On page 3, in line 33, by striking "2013" and inserting "2015"; also in line 33, by striking all after "65-6112"; in line 34, by striking all before "is";

On page 6, in line 9, by striking "2014" and inserting "2015";

On page 9, in line 1, by striking "2014" and inserting "2015";

On page 11, in line 23, by striking "2014" and inserting "2015";

On page 13, in line 1, by striking "2014" and inserting "2015";

On page 14, in line 29, by striking "2014" and inserting "2015";

On page 15, in line 26, by striking "2014" and inserting "2015"; in line 39, by striking "2014" and inserting "2015";

On page 17, in line 13, by striking all after "Sec. 11."; in line 14, by striking all before "K.S.A."; also in line 14, by striking the second "2014" and inserting "2015"; in line 15, after the second comma by inserting "65-6112,";

On page 1, in the title, in line 1, by striking all after "amending"; by striking all in line 2; in line 3, by striking all before "K.S.A."; also in line 3, by striking "2014" and inserting "2015"; also in line 3, after "65-6111," by inserting "65-6112,"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 99** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 99," as follows:

"Substitute for SENATE BILL No. 99

By Committee on Transportation

"AN ACT concerning the uniform act regulating traffic; relating to height and length of vehicles and loads; exceptions to maximums; amending K.S.A. 8-1905 and K.S.A. 2015 Supp. 8-1904 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 3, 2016.

# Journal of the Senate

## SEVENTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 3, 2016, 2:30 p.m.

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

Heavenly Father, here we are at the middle of the week, referred to by many as "Hump Day." For some of us today, it's an uphill climb, just trying to get through. For some, it might be the toughest day of the week. For some, we may feel like we're getting over the hump, and with smooth sailing, we're anticipating the weekend. For some, the joy of Hump Day is that it's only four days before the Super Bowl. But, like the camel in the GEICO commercial, we could really get excited over Hump Day. There's purpose in the difficult days that we face. Because all the humps, all the speed bumps...all the hills and even mountains are opportunities for our faith to grow, as we put our trust in You, to see us through. You used Paul as an example of this in 2 Corinthians 12:9-10. You told him that Your grace would be his sufficiency and that Your power would be perfected through his inability to handle his problems. Based on that, he made a profound declaration. Excited about his inabilities, he proceeded to brag on You; so that YOUR power would rest upon him. Lord, when the humps...the speed bumps...the difficulties of life come for us...when we are weak, remind us that because of You and Your loving grace, we can be strong...we can make it! For if we never had any problems, we wouldn't know that You could solve them. If we never had a hill to overcome, we'd never know that You'd give us the strength to rise and climb. So, thank You for this day and for all the humps and bumps in life. Use them Father, to strengthen us...to make us better...to increase and add muscle to our character; that we may bring glory and honor to You. In the Precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

### **POINT OF PERSONAL PRIVILEGE**

Senator Ostmeyer rose on a Point of Personal Privilege to introduce members of the Prairie Band Pottawatomie National Tribal Council. Guests introduced were: Lianna Onnen, Council Chairwoman; Joyce Guerrero, Vice Chair; Camilla Chouteau, Secretary; Hattie Mitchell, Treasurer; Carrie O'Toole, Council Member, and Thomas Wabnum, Council Member.

Senators honored the guests with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 397**, AN ACT concerning the open records act; amending K.S.A. 2015 Supp. 45-221 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 398**, AN ACT concerning governmental ethics; dealing with lobbying; amending K.S.A. 2015 Supp. 46-265 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 399**, AN ACT concerning state governmental ethics; dealing with lobbyists; amending K.S.A. 46-237 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 400**, AN ACT concerning elections; dealing with campaign finance; relating to the KanCare program, by Committee on Federal and State Affairs.

**SB 401**, AN ACT concerning telecommunications; relating to wireless communications, deployment of equipment; concerning municipalities and state entities, by Committee on Utilities.

**SB 402**, AN ACT concerning charitable healthcare providers; relating to continuing education credits for gratuitous care; amending K.S.A. 2015 Supp. 65-2809 and 75-6102 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 403**, AN ACT concerning municipalities; relating to traffic citations and limitations on revenue generation; amending K.S.A. 12-4112 and 20-301 and K.S.A. 2015 Supp. 12-189, 12-4104 and 12-4106 and repealing the existing sections, by Committee on Ways and Means.

**SB 404**, AN ACT concerning the disposition of state real property; authorizing the state board of regents to sell certain real property on behalf of Kansas state university located in Riley county, Kansas, by Committee on Ways and Means.

**SB 405**, AN ACT concerning vehicles; relating to travel trailers; amending K.S.A. 8-199 and K.S.A. 2015 Supp. 8-197 and 8-198 and repealing the existing sections, by Committee on Transportation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 380**.

Judiciary: **SB 395**.

Public Health and Welfare: **SB 394**.

Ways and Means: **SB 396**; **SCR 1608**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Tyson, Abrams, Bowers, Denning, Donovan, Fitzgerald, Haley, Hawk, Kelly, Longbine, Love, Petersen, Pettey, Powell, V. Schmidt, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1758—

A RESOLUTION congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.

WHEREAS, Kristin Wright was named the 2015-2016 Outstanding School Counselor of the Year by the Kansas School Counselor Association in December 2015. The Outstanding Counselor of the Year is selected on several criteria: School counseling innovations, leadership and advocacy skills, effective school counseling programs and contributions to student advancement; and

WHEREAS, School counselors are professionals who assist all students in social and emotional development, academic achievement and career planning to promote success in school and in life. A few words from a helpful counselor can profoundly impact a student's life by helping improve the student's outlook on school, family and the future; and

WHEREAS, Kristin Wright is the School Counselor at Lincoln Elementary in the Clay County School District and has served as a school counselor for 14 years. Kristin earned a master's degree in counseling from Kansas State University in 2003 and is currently working toward her doctoral degree; and

WHEREAS, Kristin Wright is currently the state nominee for the American School Counselor Association's 2017 National School Counselor of the Year Award: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Kristin Wright.

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

Guests introduced were Kristin Wright, Wes Wright, Della Simoneau, Larry Simoneau, Megan Wright, Justin Wright, Matt Weller, Sally Lee, Robert Moran, Kelly Hughes and Marvalee Collins.

Senators honored the guests with a standing ovation.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

**SB 19, SB 242** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **Sub SB 22** recommending **Sub SB 22** be adopted, and the substitute bill be passed.

The committee report on **Sub SB 182** be amended by adoption of the committee amendments recommending a substitute bill, be further amended by Senator Pilcher-Cook: on page 1, in line 7, by striking "2014" and inserting "2015";

On page 3, in line 11, by striking "2014" and inserting "2015";

On page 1, in the title, in line 2, by striking "2014" and inserting "2015"; in line 3, by striking "2014" and inserting "2015";

And **Sub SB 182** be passed as amended.

The committee report on **S Sub HB 2049** recommending **S Sub HB 2049** be adopted, be amended by adoption of the committee amendments recommending a substitute bill be further amended by motion of Senator King: on page 3, in line 16, by

striking all after "(1)"; by striking all in line 17; in line 18, by striking "(ii) subsection" and inserting "or";

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

Also, on page 3, following line 33, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	633 629 592	616 586 554	285 272 258	267 233 246	249 234 221	225 214 203	203 193 184	169 136 166	153 135 147
II	493 467 442	468 438 416	218 205 191	200 180 181	184 174 165	168 160 152	154 146 138	138 134 123	123 117 109
III	247 233 221	228 216 206	107 102 96	109 84 89	92 88 82	83 79 74	77 72 68	71 68 61	61 59 55
IV	172 162 151	162 154 141	75 71 68	68 66 62	64 60 57	59 56 52	52 50 47	48 45 42	47 41 38
V	136 130 122	128 120 114	66 57 53	55 52 50	51 49 46	47 44 41	45 41 38	38 35 31	31 27 24
VI	86 83 80	81 79 77	38 36 34	36 34 32	32 30 28	29 27 25	25 23 21	21 20 19	19 18 17
VII	34 33 30	31 29 27	29 27 25	26 24 22	23 21 18	19 18 16	17 16 14	14 13 11	13 12 11
VIII	23 21 19	20 18 18	19 18 17	17 16 13	15 14 13	13 12 11	11 10 9	11 10 9	9 8 8
IX	17 16 15	15 14 13	13 12 11	12 12 11	11 10 9	10 9 8	9 8 7	8 7 6	8 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	6 5 4	7 6 5

LEGEND

Presumptive Probation

(Diagonal Lines)

Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to

all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

- (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

- (A) Prison sentence; and
- (B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 2015 Supp. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 2015 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2015 Supp. 21-5414(b)(3), K.S.A. 2015 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2015 Supp. 21-6412 and K.S.A. 2015 Supp. 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 2015 Supp. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 2015 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2015 Supp. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 2015 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2015 Supp. 21-5414(b)(3), K.S.A. 2015 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2015 Supp. 21-6412 and K.S.A. 2015 Supp. 21-6416, and

amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 2015 Supp. 8-1025 or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2015 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or

more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 2015 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2015 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2015 Supp. 21-5807(a)(1) or (a)(2), or K.S.A. 2015 Supp. 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2015 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2015 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2015 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 2015 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

- (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- (2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
- (3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 2015 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2015 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2015 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2015 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 2015 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 2015 Supp. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.;

Also on page 3, in line 34, by striking "and" and inserting a comma; also in line 34, after "21-5807" by inserting "and 21-6804";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the first "and" and inserting a comma; also in line 3, after "21-5807" by inserting "and 21-6804";

**S Sub HB 2049** be further amended by motion of Senator Smith: on page 3, in line

32, by striking all after "(e)"; in line 33, by striking all before the period and inserting "This section shall not apply to any person entering into or remaining in a retail or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2015 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein";

And **S Sub HB 2049** be passed as amended.

A motion by Senator Haley to amend **S Sub HB 2049** failed and the following amendment was rejected:

**S Sub HB 2049** be further amended on page 2, in line 13, by striking all after "(A)"; in line 14, by striking all before the semicolon and inserting "Marijuana infraction punishable by a \$50 fine"; in line 15, by striking "A" and inserting "B"; in line 20, by striking "drug severity level 5 felony" and inserting "class A nonperson misdemeanor";

On page 3, following line 33, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 21-5102 is hereby amended to read as follows: 21-5102. A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized or, in the case of a traffic infraction ~~or~~, a cigarette or tobacco infraction or a marijuana infraction, a fine is authorized. Crimes are classified as felonies, misdemeanors, traffic infractions ~~and~~, cigarette or tobacco infractions and marijuana infractions.

(a) A felony is a crime punishable by death or by imprisonment in any state correctional institution or a crime which is defined as a felony by law.

(b) A traffic infraction is a violation of any of the statutory provisions listed in ~~subsection (c)~~ of K.S.A. 8-2118 (c), and amendments thereto.

(c) A cigarette or tobacco infraction is a violation of K.S.A. 2015 Supp. 21-6109 through 21-6114 and 21-6116 and ~~subsection (m) or (n)~~ of K.S.A. 79-3321 (m) or (n), and amendments thereto.

(d) A marijuana infraction is a violation of K.S.A. 2015 Supp. 21-5706(c)(3), and amendments thereto.

(e) All other crimes are misdemeanors.;

Also on page 3, in line 34, after "Supp." by inserting "21-5102,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "Supp." by inserting "21-5102."

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

On roll call, the vote was: Yeas 5; Nays 31; Present and Passing 4; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Hensley, Holland, Kelly, O'Donnell.

A second motion by Senator Haley to amend **S Sub HB 2049** failed.

## EXPLANATION OF VOTE

Mr. Vice President: I vote “AYE” on this amendment. My amendment offered to align marijuana possession infractions with what I consider “common sense.” Rather than fine a possessor of marijuana up to \$1,000 and risk jail, this amendment would allow for a fine of up to \$50 with no jail time for a 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> such “offense.” I would so hope that most of you might recognize, Mr. Chair, that many, many of our constituents believe marijuana is NOT as harmful as many currently legal substances (such as tobacco and alcohol) or even as dangerous, if “abused,” as prescription opiates and, accordingly, that marijuana should NOT be criminalized to the extent that it is in our State. For example, in a well-publicized referendum, the people in Kansas’ largest city, Wichita, overwhelmingly voted to do exactly what this amendment does. Clogging our courts and our prisons and overtaxing people for simple marijuana possession is a continuing crime in and of itself. To not support this amendment only aids and abets that crime. I vote “Aye” for policies of parity; for only the dwindling time that pot itself remains “illegal” at all. – DAVID HALEY

A second motion by Senator Haley to amend **S Sub HB 2049** failed.

## FINAL ACTION ON CONSENT CALENDAR

**SB 313** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 313**, AN ACT concerning the legislative division of post audit; relating to information technology audits; amending K.S.A. 2015 Supp. 46-1135 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 19; Sub SB 22, Sub SB 182; SB 242** and **S Sub HB 2049** were advanced to final action.

**SB 19**, AN ACT concerning administrative procedure; relating to the Kansas administrative procedure act; Kansas judicial review act; amending K.S.A. 77-502, 77-545, 77-546, 77-548 and 77-613 and K.S.A. 2015 Supp. 77-519, 77-521 and 77-531 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**Sub SB 22**, AN ACT concerning courts; relating to municipal court; notice; amending K.S.A. 2015 Supp. 12-4516, 21-6614, 22-2410 and 22-3609 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 182**, AN ACT concerning the department of health and environment; relating to the elimination of inspector general; amending K.S.A. 2015 Supp. 75-2973 and repealing the existing section; also repealing K.S.A. 2015 Supp. 75-7427.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 242**, AN ACT concerning public officers and employees; relating to drug screening programs; adding Kansas commission on veterans affairs office employees to list of safety sensitive positions; amending K.S.A. 2015 Supp. 75-4362 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2049**, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of controlled substances; burglary; amending K.S.A. 2015 Supp. 21-5706, 21-5807 and 21-6804 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Haley.

Present and Passing: Faust-Goudeau.  
The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote “NO” on **Senate Substitute for HB 2049**, which purports to ease the debate on marijuana penalties in our State AND now includes new language regarding repeat burglar convictions too. When our Great State matures to the level of growing national public opinion, marijuana will be decriminalized and, perhaps, regulated and taxed, for the benefit of the health and well-being of our society as a whole. Voting FOR this watered-down, pre-text at ameliorating a drug law that is economically discriminatory and doesn’t work in the first place is pussy-footing around with the core issue and by here, voting “NO,” I simply chose not to play this Senate’s games with this serious issue and the growing common sense of multiple constituencies. The Kansas House overwhelmingly supported better consensus in the original **HB 2049**; before the Senate committee stripped good provisions out AND, audaciously, added an additional negative bedspace impacting measure on the totally unrelated issue of repeat burglary. When marijuana is no longer demonized in Kansas, or America, as common-sense increasingly dictates, perhaps many will look back on these words and my name as prophetic; maybe even courageous. But, neither is true. Both are, at this time in history, what any person of average intellect and strength should do. I proudly vote “NO” on this shell game masquerading as law contained in **S Sub HB 2049**. –  
DAVID HALEY

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 312** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **SB 225** be passed.

Also recommends **SB 243** be amended on page 2, in line 15, by striking "2014" and inserting "2015";

On page 4, in line 28, by striking "2014" and inserting "2015"; in line 31, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2014" and inserting "2015"; and the bill be passed as amended.

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 394** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SB 382** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Transportation**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 4, 2016.

# Journal of the Senate

EIGHTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 4, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Love was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You have blessed us with lofty responsibilities. You have us serving in capacities to influence change for the betterment of Your people. Help us to not get lofty in pride due to these lofty positions. When the citizens regard us highly or when we're pleased with an achievement, help us maintain humility. In Proverbs 16:18, You warned us that undue pride goes before a downfall but humility precedes being elevated. So, help us balance a healthy degree of pride with a healthy portion of humility. Deliver us from the "I" problem of I did this or I did that. Remind us that nothing we accomplish is independent of the direct or indirect blessings of others. As the brilliance of a diamond is seen through its many facets, let the brilliance of what we do be seen through the light of Your grace, provided for us through the unique gifts and contributions of others. Thanks for blessing us through the lives, efforts and concerns of many. Thanks for all the things You've taught us and all the ways You've loved us. In the final analysis, when all is said and done, it is You to Whom we owe all our successes. In humility and gratefulness, in Jesus' name, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 406**, AN ACT concerning elections; dealing with voter registration; amending K.S.A. 2015 Supp. 22-3722 and repealing the existing section, by Committee on Ethics and Elections.

**SB 407**, AN ACT concerning civil commitment of sexually violent predators; reviving K.S.A. 59-29a18, by Committee on Corrections and Juvenile Justice.

**SB 408**, AN ACT concerning abuse, neglect and exploitation of persons; relating to reporting and investigation; duties and powers of attorney general, law enforcement and department of corrections; amending K.S.A. 2015 Supp. 38-2223, 38-2226 and 75-723 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**SB 409**, AN ACT concerning public health; relating to transportation arrangements prior to a funeral; amending K.S.A. 2015 Supp. 65-1753 and repealing the existing section, by Committee on Ways and Means.

**SB 410**, AN ACT concerning the revised Kansas code for care of children; establishing a CARE family pilot program for foster care; amending K.S.A. 2015 Supp. 38-2218 and repealing the existing section, by Committee on Judiciary.

**SB 411**, AN ACT concerning utilities; relating to electric transmission lines, right to construct, by Committee on Utilities.

**SB 412**, AN ACT concerning counties; relating to the grant of an easement to a water district, conditions and purposes; amending K.S.A. 19-3521b and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1609—

By Senators Holland, Faust-Goudeau, Francisco,  
Haley, Hawk, Hensley, Kelly and Pettey

A PROPOSITION to revise article 10 of the constitution of the state of Kansas; relating to reapportionment of congressional districts, legislative districts and state board of education member districts.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

**"Article 10.—APPORTIONMENT OF THE LEGISLATURE  
CONGRESSIONAL, LEGISLATIVE AND STATE BOARD OF EDUCATION  
MEMBER DISTRICTS**

**"§ 1. Reapportionment of senatorial and representative districts required.**  
~~(a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992 2022, and at its regular session every tenth 10th year thereafter, the legislature shall by law reapportion the United States congressional districts, the state senatorial districts and, the state representative districts and the state board of education member districts as provided by this article. Reapportionment of such districts shall be on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and, representative and state board of education member districts shall be reapportioned upon the basis of the population of the state adjusted: (1)~~  
(a) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and ~~(2)~~  
(b) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register

immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

~~(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.~~

~~(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.~~

~~(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.~~

~~(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.~~

*"§ 4. Establishment of redistricting commission. (a) Not later than February 15 of each year ending in one, a redistricting commission shall be established to recommend to the legislature redistricting plans for United States congressional districts, state representative districts, state senatorial districts and state board of education member districts.*

*(b) The redistricting commission shall consist of the following members:*

- (1) One shall be appointed by the majority leader of the senate;*
- (2) one shall be appointed by the majority leader of the house of representatives;*
- (3) one shall be appointed by the minority leader of the senate;*
- (4) one shall be appointed by the minority leader of the house of representatives; and*

*(5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member, who shall serve as chairperson.*

*(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.*

*(d) No person, while a member of the commission, shall:*

- (1) Hold any federal, state or local office; or*
- (2) be an employee of the Kansas legislature, state board of education or United States congress.*

*(e) No person who has been a member of the redistricting commission*

*shall be eligible, within two years after being a member of the commission, to:*

*(1) Be a member or employee of the Kansas legislature or state board of education; or*

*(2) hold any appointive office.*

*(f) The legislature shall provide by law for payment of compensation and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.*

*(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.*

*"§ 5. Commission procedure and recommendations. (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. Such rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.*

*(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each state board of education member district.*

*(c) In recommending redistricting plans, the redistricting commission shall consider only the requirements of the constitution of the state of Kansas and federal laws, preservation of political subdivisions and preservation of communities of interest. The commission shall avoid placing more than one incumbent in a district except when necessary due to changes in the population of the state. Except as expressly provided in this subsection, the commission shall not intentionally develop districts that favor or discriminate against any individual, political party or group.*

*"§ 6. Legislative action; court review and action. (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education member districts. Such bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after such bill is introduced in such chamber.*

*(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill*

*pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). Such bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in such chamber.*

*(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). Such bill shall be subject to amendment by either chamber and shall be acted upon by each chamber within 14 days after the bill is introduced in such chamber. When a bill is introduced pursuant to this subsection, the commission shall make the commission's staff and technical resources available to the legislature for use in preparation and consideration of amendments to such bill.*

*(d) If either chamber of the legislature rejects a bill introduced pursuant to this section, or the governor vetoes such bill, the chamber that rejects the bill, or the governor in the case of a veto, shall transmit to the commission a letter stating the reasons why the bill was not enacted, and the commission shall take such reasons into consideration in introducing a bill pursuant to this section, subject to the requirements of section 6(c). Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the president of the senate and the minority leader of the senate.*

*(e) Reapportionment bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election and thereafter until again such districts are reapportioned, except that the senatorial districts shall be effective for the next following regular election at which all senators are elected.*

*(f) Within 15 days after publication of any reapportionment bills enacted pursuant to this article, the attorney general shall petition the Kansas supreme court to determine the validity of such bill. The Kansas supreme court, in accordance with its rules, shall permit interested persons to present their views. Within 30 days after the filing of such petition, the Kansas supreme court shall enter its judgment. A judgment of the Kansas supreme court determining such bill to be valid shall be final until reapportionment of the districts is again required by this article.*

*"§ 7. Implementing legislation. The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions."*

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

*"Explanatory statement. Current article 10 of the constitution of the state of*

Kansas governs reapportionment of state legislative districts. It provides for reapportionment by the legislature and requires it be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities. The revision of article 10 would govern reapportionment of the United States congressional districts, state legislative districts and the state board of education member districts. Under the revision, a redistricting commission would be established to recommend redistricting plans to the legislature. The legislature would enact a plan which would be subject to review by the Kansas supreme court. There would be strict deadlines for legislative action and if no plan is adopted by the deadline, the Kansas supreme court would reapportion the districts. Reapportionment of state legislative districts would be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities.

"A vote for this proposition would change the procedure for reapportionment of United States congressional, state legislative and state board of education member districts.

"A vote against this proposition would continue the current procedures and basis for reapportionment."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 398, SB 399, SB 400.**

Judiciary: **SB 393, SB 397.**

Public Health and Welfare: **SB 402.**

Transportation: **SB 405.**

Utilities: **SB 401.**

Ways and Means: **SB 403, SB 404.**

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Faust-Goudeau and Holmes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1759—

A RESOLUTION recognizing the Kansas Board of Emergency Medical Services for its work in ensuring that quality out-of-hospital care is available throughout the state of Kansas.

WHEREAS, Emergency Medical Services or "EMS" were established within the state of Kansas in 1974 by the Kansas Legislature. Emergency Medical Services were provided by Mobile Intensive Care Technicians who were specially trained in emergency cardiac and non-cardiac care in a training program certified by the University of Kansas School of Medicine. This training consisted of a minimum of 200 hours and included didactic and clinical experience in a cardiac care unit and in an emergency vehicle unit; and

WHEREAS, Created by SB 297 and approved on April 21, 1975, the Emergency Medical Services Council, under the supervision of the secretary of health and environment, within the state of Kansas was established. The Council was tasked to approve, modify or reject rules and regulations, to review and recommend the allocation and expenditure of funds in the state for EMS and to conduct hearings for all EMS regulatory matters; and

WHEREAS, EMS personnel not certified as mobile intensive care technicians had to complete an 81-hour course on preliminary emergency medical care approved by the University of Kansas Medical Center in order to be granted a certificate; and

WHEREAS, In 1988, the Bureau of Emergency Medical Services and the Emergency Medical Services Council were abolished and all powers were transferred to the current Emergency Medical Services Board; and

WHEREAS, The Emergency Medical Services Board consists of 15 members: 11 appointed by the Governor and four appointed by the Kansas Legislature. Of the 15 appointed positions, three are Kansas physicians engaged in the practice of EMS, three are EMS providers, two are county commissioners, one is a fire services representative, one is a hospital administrator and one is an EMS educator. Those currently appointed to the Board are: Dr. Joel Hornung (Chair) – Morris County; Chad Pore (Vice-Chair) – Butler County; Dr. Martin Sellberg – Sedgwick County; Dr. David Kingfisher – Shawnee County; John Ralston – Seward County; Deborah Kaufman – Sheridan County; Jeri Smith – Cowley County; Keith Olsen – Brown County; Ricky James – Linn County; Dennis Franks – Neosho County; Shane Pearson – Saline County; Senator Oletha Faust-Goudeau – Sedgwick County; Senator Mitch Holmes – Stafford County; Representative Broderick Henderson – Wyandotte County and Representative Susie Swanson – Clay County; and

WHEREAS, The Kansas Board of EMS is located in Topeka, Kansas, under the administration of Joseph House, paramedic and acting Executive Director, who performs the role of the chief office administrator for the EMS Board. The Executive Director has appointed 13 staff members to assist in carrying out the functions of the Emergency Medical Services Board; and

WHEREAS, Kansas EMS currently consists of four levels of out-of-hospital providers: Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT) and Paramedic. In addition to providing medical transportation of the sick and injured, these highly skilled and trained providers are able to perform multiple life-saving and life-sustaining procedures by utilizing a combination of their knowledge, their assessment and the medical protocols established by Kansas physicians. Currently, there are approximately 10,700 certified EMS providers within the state of Kansas. These providers are a combination of full-time employees, part-time employees and volunteers. EMS providers must complete approximately 90 hours of education prior to gaining certification as an EMR

and at least 1,200 hours of education prior to gaining certification as a Paramedic; and

WHEREAS, There are 172 permitted ambulance services operating 669 licensed ground ambulances and 53 licensed air ambulances within the state that respond to approximately 340,000 calls annually: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the Kansas Board of Emergency Medical Services for its work in ensuring that quality out-of-hospital care is available throughout the state of Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Senator Oletha Faust-Goudeau, Joseph House, Dennis Franks, Representative Broderick Henderson, Senator Mitch Holmes, Dr. Joel Hornung, Commissioner Ricky James, Deborah Kaufman, Dr. David Kingfisher, Commissioner Keith Olsen, Shane Pearson, Chad Pore, John Ralston, Dr. Martin Sellberg, Jeri Smith and Representative Susie Swanson.

On emergency motion of Senator Faust-Goudeau **SR 1759** was adopted by voice vote.

Guests introduced were Dennis Franks, Rick James, Jeri Smith, Joe House, Dr. Joel Hornung, Chad Pore, Shane Pearson and John Ralston.

Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1760—

A RESOLUTION recognizing February 5, 2016, as National Wear Red Day.

WHEREAS, Heart disease and stroke kill one in three women in the U.S., yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U.S.; and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Only one in five American women believe that heart disease is her greatest health threat, yet 90% of women have one or more risk factors for developing heart disease; and

WHEREAS, Women comprise only 24% of participants in all heart-related studies; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

WHEREAS, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women; and

WHEREAS, Women involved with the American Heart Association's Go Red For Women movement live healthier lives, and nearly 90% have made at least one healthy behavior change; and

WHEREAS, Go Red For Women encourages women to take charge of their health and schedule a well-woman visit to learn about their health status and risk for diseases: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize February 5, 2016, as National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to show their support for women by commemorating this day; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

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

Guests introduced were Caroline Meyer, Nanci Meyer, Kevin Walker, Tammie Tipton and Dennis Hower.

Senators honored the guests with a standing ovation.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2485**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2485** was thereupon introduced and read by title.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** begs leave to submit the following report:

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

By Governor:

Member, State Board of Tax Appeals: K.S.A. 74-2433

Devin Sprecker, for a term of four years

Member, State Board of Tax Appeals: K.S.A. 74-2433

James Cooper, for a term of four years

Committee on **Transportation** recommends **SB 349** be amended on page 1, in line 9, by striking all after "operation"; in line 10, by striking all before the semicolon; and the bill be passed as amended.

Also, **SB 373** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 5, 2016.

# Journal of the Senate

NINETEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 5, 2016, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 26 senators present.

Senators Abrams, Arpke, Denning, Donovan, Fitzgerald, Haley, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell and Pettey were excused.

Invocation by Reverend Cecil Washington, Jr.:

Gracious Lord, thank You for Your continuous faithfulness toward us. Although we fall short, Your love does not. You have carried us through another legislative week...another week of trying to serve You and the citizens of Kansas. We're getting ready now for the weekend. As we head to our various destinations, give us the grace to travel safely. Upon arrival, help us find things in order. There are times when, in this work, we get weary. Please provide times of refreshing...to energize, reenergize and revitalize. You said in Isaiah 40:29 that You give strength to those who grow tired and You increase the resilience of those who've grown weak. In verse 31, You said You do this for those who wait on You. So, Lord, while we're off to see about things at home, renew our strength of body and mind. Thanking You in advance, in Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 413**, AN ACT concerning the Kansas dental board; relating to licensure of dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2015 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 414**, AN ACT concerning campaign finance; prohibiting certain contributions by contractors with public entities, by Committee on Commerce.

**SB 415**, AN ACT concerning legislative review of exceptions to disclosure of public records; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664 and 75-5665 and repealing the existing sections, by Committee on Judiciary.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 407, SB 408.**

Ethics and Elections: **SB 406.**

Federal and State Affairs: **SCR 1609.**

Financial Institutions and Insurance: **HB 2485.**

Judiciary: **SB 410.**

Public Health and Welfare: **SB 409.**

Utilities: **SB 411, SB 412.**

**COMMUNICATIONS FROM STATE OFFICERS**

January 30, 2016

Kansas Guardianship Program

Chair, Board of Directors, Honorable Frank J. Yeoman, Jr., submitted the 2015 Annual Report of the Kansas Guardianship Program.

February 2, 2016

Kansas Board of Regents

Elaine Frisbie submitted the 2015 Annual Report on University Admissions.

February 4, 2016

Kansas Insurance Department

Commissioner of Insurance, Ken Selzer, CPA, submitted the 2015 Annual Report of the Kansas Workers Compensation Fund.

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

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** begs leave to submit the following report:

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

By the Minority Leader of the Senate:

Member, Kansas Bioscience Authority Board: K.S.A. 2015 Supp. 74-99b04

Kenneth D. Buchele, to fill a term expiring on March 15, 2018

By the President of the Senate:

Member, Kansas Bioscience Authority Board: K.S.A. 2015 Supp. 74-99b04

Patrick K. George, to fill a term expiring on March 15, 2019

Committee on **Federal and State Affairs** recommends **SB 65** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 65," as follows:

"Substitute for SENATE BILL No. 65  
By Committee on Federal and State Affairs

"AN ACT concerning firearms; relating to the personal and family protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 341** be amended on page 1, following line 22, by inserting:

"(c) The department of health and environment shall not utilize the system established under this section, or any other system or program, to require that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician if such recommended drug usage or drug therapy commenced on or before July 1, 2016."; and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

**SR 1758, SR 1759, SR 1760** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 5, 2016.

#### **TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 1 through February 5, 2016:

Senator Faust-Goudeau: welcoming Reverend Godfrey R. Patterson to Wichita, welcoming Pastor LeSean Tarkington to Wichita;

Senator Kelly: congratulating Bill and Alyce Gannaway on their 60th Wedding Anniversary; and

Senator O'Donnell: remembering and honoring the life of Dr. Harold Scheer.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 8, 2016.

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 8, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 34 senators present.

Senators Faust-Goudeau, Haley, Holland, Love, McGinn and Wilborn were excused.

President Wagle introduced guest chaplain Father Curtis Carlson, St. Lawrence Catholic Campus Center at KU, who delivered the invocation:

Heavenly Father, we thank You for Your saving presence among us. You protect us and sustain us as we make our way each day on this earthly journey. Please give us Your strength and wisdom as we face any challenges and problems. In all we do, may we always be open and obedient to Your gracious will. We thank You for this world of wonders in which we live, and for the many good things You provide for us out of Your generosity, especially for friends and family. As we have received from You, so may we likewise offer charity and mercy to others. We thank You for our great state and for our great country and the freedoms we enjoy. Today, we ask Your blessing upon this session. May You guide your sons and daughters here in their deliberations and decisions and keep them in your care. We make our prayer through Christ our Lord. Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 416**, AN ACT concerning the secretary of health and environment; relating to solid waste, vehicle tire disposal, tire tax; abolishing the solid waste grant advisory committee; amending K.S.A. 65-3415a and 65-3424d and K.S.A. 2015 Supp. 65-3424g and repealing the existing sections; also repealing K.S.A. 2015 Supp. 65-3426, by Committee on Utilities.

**SB 417**, AN ACT concerning utilities; relating to electric generating units and carbon dioxide emission standards; concerning the department of health and environment, submission of a state plan, requirements; amending K.S.A. 2015 Supp. 65-3031 and repealing the existing section, by Committee on Utilities.

**SB 418**, AN ACT concerning children and minors; relating to children in need of care and juvenile offenders; amending K.S.A. 2015 Supp. 38-2202, 38-2210, 38-2231, 38-2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-2310, 38-2365, 65-535 and 75-7023 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2310a, by Committee on Corrections and Juvenile Justice.

**SB 419**, AN ACT concerning insurance; relating to mutual insurance companies organized to provide healthcare liability insurance; affiliate transfer policies, by Committee on Financial Institutions and Insurance.

**SB 420**, AN ACT concerning postsecondary education; relating to state funding for community colleges; amending K.S.A. 2015 Supp. 71-609 and repealing the existing section, by Committee on Ways and Means.

**SB 421**, AN ACT concerning firearms; relating to the personal and family protection act; relating to carrying a concealed handgun in a public building; amending K.S.A. 2015 Supp. 75-7c20 and repealing the existing section, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 414**.

Judiciary: **SB 415**.

Public Health and Welfare: **SB 413**.

### CHANGE OF REFERENCE

The President withdrew **SB 407**, **SB 408** from the Committee on **Corrections and Juvenile Justice**, and referred the bills to the Committee on **Judiciary**.

### COMMUNICATIONS FROM STATE OFFICERS

February 5, 2016  
Department of Administration

State Long-Term Care Ombudsman, Barbara J. Hickert, submitted the 2015 Kansas Long-Term Care Ombudsman Annual Report.

President Wagle announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2438**, **HB 2446**,

Announcing passage of **SB 133**, as amended; **SB 248**, as amended.

Announcing rejection of **SB 188**.

The House nonconcurrs in Senate amendments to **S Sub HB 2049**, requests a conference and has appointed Representatives Rubin, Gonzalez and Highberger as conferees on the part of the House.

### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2438**, **HB 2446** were thereupon introduced and read by title.

### ORIGINAL MOTION

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **S Sub HB 2049**.

The President appointed Senators Smith, Knox and Haley as conferees on the part of the Senate.

**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **SB 325** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **HB 2059**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2059," as follows:

"Senate Substitute for HOUSE BILL No. 2059

By Committee on Natural Resources

"AN ACT concerning the department of agriculture; relating to chemigation; relating to water; relating to applications to appropriate; amending K.S.A. 2015 Supp. 2-3304 and 82a-708a and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 9, 2016.

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 9, 2016, 2:30 p.m.

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

The roll was called with 38 senators present.

Senators Holland and McGinn were excused.

Vice President King introduced guest chaplain, Reverend Bill Nicholson, Jr, Second Missionary Baptist Church, Topeka, who delivered the invocation:

Eternal God our Father, we come to You this afternoon recognizing You in all Your Sovereignty. You are the Creator of all things and are deserving of our praise. We ask for Your forgiveness today, as we come before You, thanking You for Your loving kindness and tender mercies, for all good and perfect gifts come from You. Today Lord, we ask that You bless this house, and protect it and those who work in every office. Bless every person who partakes in the work for this great state. Give them the mindset that is needed to prosper this state of Kansas. Endow them with insight that will prosper us all in a meaningful way. Allow them to see past obstacles and hindrances that might interfere with progress. Allow unity to be a driving spirit that grants the opportunity to work hand in hand even when we don't see eye to eye to find solutions that will be meaningful and progressive for us all. We thank You for their work and sacrifice. We pray for this state, this country and all our leaders. We ask for peace all across this world and we do this boldly as we come to the throne of grace, to find grace and mercy in our time of need. In the mighty, marvelous and magnificent name of Your Son Jesus Christ we pray. Amen

The Pledge of Allegiance was led by Vice President King.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 422**, AN ACT concerning the department for aging and disability services; providing for the licensure of certain facilities and standards for treatment of certain individuals; repealing K.S.A. 39-1807 and 75-3307c and K.S.A. 2015 Supp. 75-3307b, by Committee on Public Health and Welfare.

**SB 423**, AN ACT concerning postsecondary education; redesignating Kansas state university - Salina, college of technology as Kansas state polytechnic; amending K.S.A. 74-3209, 74-3229, 76-205, 76-213, 76-220, 76-221, 76-222, 76-223, 76-751 and 76-754 and K.S.A. 2015 Supp. 76-156a, 76-756 and 76-7,126 and repealing the existing sections, by Committee on Ways and Means.

**SB 424**, AN ACT concerning consumer protection; relating to identity theft and identity fraud; security of personal identifying information; powers and duties of the attorney general; amending K.S.A. 2015 Supp. 50-6,139 and repealing the existing section; also repealing K.S.A. 2015 Supp. 50-7a03, by Committee on Judiciary.

**SB 425**, AN ACT concerning counties; relating to conservation easements; amending K.S.A. 58-3811 and repealing the existing section, by Committee on Ways and Means.

**SB 426**, AN ACT concerning violation of a consumer protection order; relating to door-to-door sales; criminal liability; forfeiture; amending K.S.A. 2015 Supp. 60-4104 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 427**, AN ACT enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers, by Senator Haley.

**SB 428**, AN ACT concerning crimes, punishment and criminal procedure; relating to eyewitness identifications, by Senator Haley.

**SB 429**, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of felony interrogations, by Senator Haley.

**SB 430**, AN ACT concerning civil actions; relating to people wrongfully convicted of crimes; compensation, by Senator Haley.

**SB 431**, AN ACT concerning gubernatorial appointments; relating to changes in party affiliation; amending K.S.A. 2015 Supp. 25-3304 and repealing the existing section, by Senator Hensley.

**SB 432**, AN ACT concerning elections; relating to county election officers; concerning requirements for the office of election commissioner; amending K.S.A. 19-3419 and repealing the existing section, by Senator Hensley.

**SB 433**, AN ACT concerning employment security law; relating to the waiting week; benefits; amending K.S.A. 2015 Supp. 44-705 and 44-706 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 44-706c, by Senator Hensley.

SENATE CONCURRENT RESOLUTION No. 1610—

By Senators Masterson, Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle and Wilborn

A CONCURRENT RESOLUTION reaffirming 10<sup>th</sup> Amendment rights.

WHEREAS, The 10<sup>th</sup> Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The 10<sup>th</sup> Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791; and

WHEREAS, The 10<sup>th</sup> Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

WHEREAS, When taking the oath of office, all members of the Kansas Legislature solemnly swear that they will support the Constitution of the United States and the Constitution of the state of Kansas; and

WHEREAS, Many federal mandates are in direct violation of the 10<sup>th</sup> Amendment to the Constitution of the United States and infringe upon both the reserved powers of Kansas and the people's reserved powers; and

WHEREAS, The United States Supreme Court ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states by compelling them to enact and enforce regulatory programs; and

WHEREAS, The United States Supreme Court, in *Printz v. United States*, 521 U.S. 898 (1997), reaffirmed that the Constitution of the United States established a system of "dual sovereignty" that retains "a residuary and inviolable sovereignty" by the states: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas hereby claims sovereignty under the 10<sup>th</sup> Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

*Be it further resolved:* That this resolution shall serve notice to the federal government of our demand to maintain the balance of powers where the Constitution of the United States established it; and

*Be it further resolved:* That we state our intentions to ensure that all government agencies and their agents and employees operating within the geographic boundaries of Kansas, or whose actions have an effect on the inhabitants, lands or water of Kansas, shall operate within the confines of the original intent of the Constitution of the United States; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives and each member of the congressional delegation of Kansas.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 421; HB 2438.**

Financial Institutions and Insurance: **SB 419; HB 2446.**

Judiciary: **SB 418.**

Utilities: **SB 416, SB 417.**

Ways and Means: **SB 420.**

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kerschen, Bowers, Donovan, Hawk, Kelly, McGinn, O'Donnell, V. Schmidt, Tyson, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1761—

A RESOLUTION designating February 9, 2016, as Kansas MS Action Day; recognizing the importance of moving closer to a world free of multiple sclerosis; and expressing appreciation to the Mid America Chapter of the National Multiple Sclerosis Society for its work.

WHEREAS, Multiple sclerosis is an unpredictable, often disabling disease of the central nervous system that disrupts the flow of information within the brain and between the brain and body, with symptoms ranging from numbness and tingling to blindness and paralysis; and

WHEREAS, The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are leading to a better understanding and moving us closer to a world free of MS; and

WHEREAS, Most people with MS are diagnosed between the ages of 20 and 50, with at least two to three times more women than men diagnosed with the disease. MS affects more than 2.3 million people worldwide, including 400,000 Americans and over 4,600 Kansans; and

WHEREAS, The Mid America Chapter of the National MS Society is committed to mobilizing the voices of people throughout Kansas who want to do something about MS now; and

WHEREAS, To fulfill this mission, the Society funds cutting-edge research, drives change through advocacy, facilitates professional education, collaborates with MS organizations around the world and provides services designed to help people with MS and their families move their lives forward; and

WHEREAS, Last year alone, through a comprehensive nationwide network, the Society devoted \$122.2 million to help more than one million individuals connect to the people, information and resources they need. To move closer to a world free of MS, the Society also invested \$54 million to support more than 380 new and ongoing research projects around the world; and

WHEREAS, Walk MS events are scheduled this spring in Kansas City, Hays, Hiawatha, Hutchinson, Lawrence, Manhattan, Salina, Topeka and Wichita; and

WHEREAS, On February 9, 2016, the National MS Society will sponsor MS Action Day at the Kansas State Capitol; and

WHEREAS, The mission of the National Multiple Sclerosis Society is to mobilize people and resources to drive research for a cure and to address the challenges of everyone affected by MS: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we declare February 9, 2016, as Kansas MS Action Day to raise awareness for this disease that has no known cause and no known cure. We recognize the importance of moving closer to a world free of multiple sclerosis and express appreciation to the Mid America Chapter of the National MS Society for its work.

On emergency motion of Senator Kerschen **SR 1761** was adopted by voice vote.

Guests introduced were Dave Burkett, John Kuhn, Ann Reed, Andrew Kuhn and Jenna Neher.

Senators honored the guests with a standing ovation.

#### **COMMITTEE OF THE WHOLE**

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

On motion of Senator Smith the following report was adopted:

**SB 225** be passed.

The committee report on **SB 99** recommending **Sub SB 99** be adopted, and the

substitute bill be passed.

**SB 243, SB 349; HB 2387** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 341** be amended by the adoption of the committee amendments, and be further amended by motion of Senator V. Schmidt: on page 1, following line 28, by inserting:

"(d) The secretary of health and environment shall study and review the use of the program established under this section and prepare a report detailing the exact amount of money saved by using such program that requires that a recipient utilized or failed a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician, and the percentage and amount of such savings that are returned to the state of Kansas. The secretary shall submit such report to the senate committee on public health and welfare, the senate committee on ways and means, the house committee on appropriations and the house committee on health and human services on or before January 9, 2017, and on or before the first day of the regular session of the legislature each year thereafter."

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

On roll call, the vote was: Yeas 27; Nays 8; Present and Passing 0; Absent or Not Voting 5.

Yeas: Abrams, Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, O'Donnell, Petersen, Pettey, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Bruce, Denning, Donovan, Masterson, Melcher, Pilcher-Cook, Powell.

Absent or Not Voting: Holland, Longbine, McGinn, Olson, Ostmeyer.

The amendment was adopted.

**SB 341** be further amended by motion of Senator Pilcher-Cook. A ruling of the Chair was requested as to the germaneness of the amendment. The Rules Committee ruled the amendment not germane. The ruling of the Chair was challenged.

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

On roll call, the vote was: Yeas 22; Nays 15; Present and Passing 1; Absent or Not Voting 2.

Yeas: Baumgardner, Bowers, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Longbine, Masterson, Ostmeyer, Pettey, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Abrams, Arpke, Denning, Fitzgerald, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle.

Present and Passing: Donovan.

Absent or Not Voting: Holland, McGinn.

The ruling of the Chair was sustained.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "Aye" to sustain the Rules Committee (and reject the amendment as not germane to the underlying bill). Whatever our opinion(s) on any issue might be, we, the Kansas Senate, should be a chamber of guidelines and of rules...and of laws. Mr. Chair, we cannot just bend rules or decorum as we go along in debate and to do so by not affirming our own established laws would descend this chamber into metered chaos, ridicule and disrespect.—DAVID HALEY

A second motion by Senator V. Schmidt to amend **SB 341** failed and the following amendment was rejected: on page 1, in line 28, after "therapy" by inserting:

"(1) Was";

Also on page 1, also in line 28, after "2016" by inserting "; or

(2) is used for the treatment of mental illness".

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

On roll call, the vote was: Yeas 13; Nays 23; Present and Passing 0; Absent or Not Voting 4.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Kerschen, Pettey, V. Schmidt, Tyson, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wilborn.

Absent or Not Voting: Holland, Longbine, McGinn, Ostmeyer.

A third motion by Senator V. Schmidt to amend **SB 341** failed and the following amendment was rejected:

On page 1, in line 28, after "therapy" by inserting:

"(1) Was";

Also on page 1, also in line 28, after "2016" by inserting "; or

(2) is used for the treatment of cancer, human immunodeficiency virus, epilepsy, cardiovascular disease, arthritis, cystic fibrosis, multiple sclerosis or mental illness".

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

On roll call, the vote was: Yeas 11; Nays 25; Present and Passing 0; Absent or Not Voting 4.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Kerschen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland, Longbine, McGinn, Ostmeyer.

Two motions by Senator V. Schmidt to amend **SB 341** failed.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 352** be passed.

Committee on **Education** recommends **SB 358** be amended on page 1, in line 14, after "in" by inserting "nurse education or"; also in line 14, after "nursing" by inserting "administration"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 334** be passed.

Also, **SB 361** be amended on page 2, in line 15, by striking all after "agency"; by striking all in line 16; in line 17, by striking all before "of" and inserting "pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations"; in line 21, after "(3)" by inserting "Notwithstanding the provisions of subsection (g)(1),"; in line 24, before the semicolon by inserting ". As used in this subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties"; in line 32, by striking "subsection" and inserting "subparagraph"; in line 33, by striking "subsection" and inserting "subparagraph"; and the bill be passed as amended.

The Committee on **Ways and Means** recommends **HB 2365**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2365," as follows:

"Senate Substitute for HOUSE BILL No. 2365

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2015 Supp. 74-4914d, 74-4920, 74-50,107, 74-99b34, 75-2319, 75-6609 and 79-34,161 and repealing the existing sections.";

And the substitute bill be passed.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Masterson the Senate nonconcurred in the House amendments to **SB 248** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 10, 2016.

# Journal of the Senate

TWENTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 10, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator McGinn was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You said, in Proverbs 11:14, that there's wisdom in a multitude of counselors, so as we struggle to make wise decisions, we will tap into a wide variety of information sources. You also said in Proverbs 2:6, that all TRUE wisdom comes from You...that genuine knowledge and understanding find their origin in You. So, as we confront our difficulties...as we face the problems that puzzle us, enable is to discern genuine wisdom...the ability to see things from Your perspective. Because You mentioned, in 1 Corinthians 2, that there is a wisdom that is not from You, and we want to be...we need to be sharp enough to know the difference. Lord, You promised, in James 1:5, to give us three things, if we ask: 1. You'd give us wisdom; 2. You'd give it in abundance; 3. You wouldn't scold us for lacking wisdom or for not already knowing what we should do. So, Lord, impress upon us that tapping into Your information source is what we need to depend on in our conversations...in our debates...in the bills that are introduced and in the voting. In fact, in all that we do, let the evidence show...let it be obvious that the wisdom displayed, had to have come from You. Lord, I pray that everything we approve of, be a reflection of Your approval. In the Name of Jesus... Wisdom Personified, Amen and Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 434**, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal discharge of a firearm; sentencing; amending K.S.A. 2015 Supp. 21-6308 and 21-6804 and repealing the existing sections, by Senators Haley and Pettey.

**SB 435**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; creating alternative incarceration credit; amending K.S.A. 2015 Supp. 21-6821 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**SB 436**, AN ACT concerning public health; relating to funding of entities that provide family planning services, by Senators Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn,

Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle and Wilborn.

**SB 437**, AN ACT concerning health care; dealing with withholding life-sustaining treatment of certain persons, by Committee on Federal and State Affairs.

**SB 438**, AN ACT concerning insurance; relating to property and casualty insurance; policy renewals; amending K.S.A. 40-297 and repealing the existing section; also repealing K.S.A. 40-296, by Committee on Financial Institutions and Insurance.

**SB 439**, AN ACT relating to grounds for impeachment of justices of the supreme court and certain judges of the district court, by Senators Fitzgerald, Abrams, Arpke, Baumgardner, Donovan, Holmes, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Powell, Pyle, Smith and Tyson.

**SB 440**, AN ACT concerning the judicial branch; relating to the supreme court, general administrative authority; amending K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A. 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections; also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110, 20-111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161, K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived by section 7 of this act, 20-319, as amended by section 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342, as revived by section 9 of this act, 20-342, as amended by section 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by section 10 of this act, 20-343, as amended by section 13 of chapter 82 of the 2014 Session Laws of Kansas, 20-345, as revived by section 11 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section 14 of this act, 20-349, as amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917, 20-2909, as amended by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as amended by section 21 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of this act, 20-3011, as amended by section 22 of chapter 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019 and 25-312a, as amended by section 25 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-5551, as amended by section 41 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301, by Senator King.

**SB 441**, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senators Hensley, Faust-

Goudeau, Francisco, Hawk, Holland, Kelly and Pettey.

**SB 442**, AN ACT concerning sales taxation; relating to exemptions; providing for a sales tax holiday for sales of food and food ingredients during certain times of the year, during holiday seasons; amending K.S.A. 2015 Supp. 79-3606 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

**SB 443**, AN ACT declaring the cage elevator in the Kansas state capitol building as the official cage elevator of the state of Kansas, by Senators Haley, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf.

SENATE CONCURRENT RESOLUTION No. 1611—

By Senator Kerschen

A CONCURRENT RESOLUTION applying to Congress for a limited amendments convention to restore free and fair elections by overturning the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*.

WHEREAS, The first President of the United States, George Washington, stated, "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government."; and

WHEREAS, It was the intention of the framers of the Constitution of the United States of America, as stated by James Madison in the *Federalist Papers*, that the Congress of the United States of America should be "dependent on the people alone"; and

WHEREAS, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

WHEREAS, The United States Supreme Court ruling in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), removed restrictions on amounts of independent political spending; and

WHEREAS, The removal of those restrictions has resulted in the unjust influence of powerful economic forces, which have supplanted the will of the people by undermining the people's ability to choose their political leadership, write their own laws and determine the fate of their state; and

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; and

WHEREAS, The State of Kansas sees the need for a convention to propose amendments to address concerns such as those raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* and related cases, and desires that said convention should be so limited; and

WHEREAS, The State of Kansas desires that the delegates to said convention shall be comprised equally from individuals currently elected to state and local office, or be

selected by election in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed above; and

WHEREAS, The State of Kansas intends that this be a continuing application, considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98<sup>th</sup> Illinois General Assembly as Senate Joint Resolution No. 42, the 2014-2015 New Jersey legislature as SCR 132, and all other passed, pending and future applications, the aforementioned concerns of Kansas notwithstanding, until such time as two-thirds of the several states have applied for a convention, and said convention is convened by Congress: Now, therefore,

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:* That the people of the State of Kansas, speaking through its legislature, and pursuant to Article V of the United States Constitution, hereby petition the United States Congress to call a convention for the purpose of proposing Amendments to the Constitution of the United States of America, as soon as two-thirds of the several states have applied for a convention; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives and the President Pro Tempore of the United States Senate; to each Senator and Representative from Kansas serving in the Congress of the United States, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record; and to the presiding officers of each legislative body of each of the several states, requesting the cooperation of these states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 433**.

Corrections and Juvenile Justice: **SB 426, SB 430**.

Ethics and Elections: **SB 431, SB 432**.

Federal and State Affairs: **SCR 1610**.

Judiciary: **SB 424, SB 427, SB 428, SB 429**.

Natural Resources: **SB 425**.

Public Health and Welfare: **SB 422**.

Ways and Means: **SB 423**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2018, HB 2467, HB 2469, HB 2512**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2018, HB 2467, HB 2469, HB 2512** were thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator King moved the Senate concur in House amendments to **SB 133**.

**SB 133**, AN ACT concerning children and minors; relating to possession or consumption of alcoholic beverages; immunity from liability for minor seeking medical assistance; amending K.S.A. 2015 Supp. 41-727 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Knox, Tyson.

Absent or Not Voting: McGinn.

The Senate concurred.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 312, SB 373** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered for final action.

**SB 312**, AN ACT concerning the legislative post audit committee; auditing unified school districts; amending K.S.A. 2015 Supp. 46-1133 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed.

**SB 373**, AN ACT concerning motor vehicles; relating to driver's licenses; operating vehicles with temporary registration; amending K.S.A. 2015 Supp. 8-235 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 99**, AN ACT concerning the uniform act regulating traffic; relating to height and length of vehicles and loads; exceptions to maximums; amending K.S.A. 8-1905 and K.S.A. 2015 Supp. 8-1904 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed.

**EXPLANATION OF VOTE**

Madam President: I want to thank the Chair of Transportation for his effort of passing **Sub SB 99**. This has been an ongoing issue during my 16 years as a legislator. Kansas custom harvesters can now travel without problems through Kansas.—RALPH OSTMEYER

**SB 225**, AN ACT relating to the interstate compact for recognition of emergency personnel licensure, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed.

**SB 243**, AN ACT concerning the state civil service board; transferred from the department of administration to the office of administrative hearings; amending K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2015 Supp. 75-2929d and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed.

**SB 341**, AN ACT concerning the Kansas medical assistance program; relating to the electronic claims management system; removing certain limitations thereunder;

amending K.S.A. 2015 Supp. 39-7,121 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, O'Donnell, Ostmeyer, Pettey, Pyle, V. Schmidt, Tyson, Wolf.

Absent or Not Voting: McGinn.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: **SB 341** excludes mental health and behavioral health drugs from Step Therapy. This class of drugs was carved out of step therapy with **HB 2149** in 2015, Statute Reference 39-7,121b.—JIM DENNING

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Denning on **SB 341**.

Madam President: So-called atypical and second generation antipsychotic medications account for a significant portion of state Medicaid expenditures, and this has made them an attractive target for states trying to restrain rising Medicaid expenditures. In a 2008 study published in the peer-reviewed Clinical Therapeutics medical journal comparing schizophrenia medications in Georgia's and Mississippi's Medicaid programs, a step therapy program saved Georgia \$19.62 per patient per month in atypical antipsychotic procedures. Unfortunately, the pharmacy savings were accompanied by a \$31.59 per patient per month increase for outpatient services. In addition to little to no realized cost savings regarding atypical antipsychotic medications, this policy change would also prolong the living hell that those with acute mental illnesses would suffer through. I would NEVER want a loved one suffering with a serious mental illness to be subjected to such capricious policy. I vote "No" on **SB 341**.—TOM HOLLAND

**SB 349**, AN ACT concerning motor vehicles; relating to commercial driver's licenses; hazardous materials endorsement exemption, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed, as amended.

**HB 2387**, AN ACT concerning emergency medical services; amending K.S.A. 2015 Supp. 65-6102, 65-6111, 65-6112, 65-6120, 65-6121, 65-6129b, 65-6129c, 65-6133, 65-6135 and 65-6144 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

The bill passed, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 359** be amended on page 2, in line 12, before "prior" by inserting "Annually, at least 10 business days"; in line 14, by striking "annually"; in line 15, by striking "or" and inserting "and"; also in line 15, after "website" by inserting ", if the county maintains a county website,;" and the bill be passed as amended.

Also, **SB 353** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 369**, **SB 370** be passed.

Committee on **Judiciary** recommends **SB 395** be passed.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for purpose of introduction of bills.

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On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 11, 2016.

# Journal of the Senate

TWENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 11, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

Roll was called with 39 senators present.

Senator McGinn was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, of all the virtues, we can possess, or that we need to strive for, You said in 1 Corinthians 13:13, that LOVE is the greatest. In three days, Sunday, February 14th, we'll be challenged to express love to a spouse, to significant others, to family and friends. We're close to that Valentine time of the year when broad smiles and warm feelings of affection will be prompted by heart shaped expressions of love. Providentially, You put three people together who reminded us of the need for love. You inspired Burt Bacharach, Hal David and Jackie DeShannon to give us that enduring classic; "What The World Needs Now Is Love, Sweet Love, It's the only thing that there's just too little of...and not just for some but for everyone." Lord, You created all of us with the need for real, honest, unselfish love...not some flimsy, self-pleasing, pseudo love, where the other person has to jump through hoops to measure up. But, help us be demonstrations of Your kind of love...love that is concerned with the highest good of another. Let it be said of us that in spite of all our faults and failures, the love of God prevailed...because love is the greatest. In the name of Jesus, Who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to recognize the important economic relationship between the State of Kansas and Canada.

Guests introduced were Marcy Grossman, Consul General; Jamie Caton and Lauren Simpson.

Senators honored the guests with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 444**, AN ACT concerning education; creating a language assessment program for children who are deaf or hard of hearing, by Committee on Assessment and Taxation.

**SB 445**, AN ACT concerning the client assessment, referral and evaluation program; amending K.S.A. 2015 Supp. 39-968 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 446**, AN ACT concerning state psychiatric hospitals; relating to the definition of catchment areas; amending K.S.A. 2015 Supp. 39-1602 and 39-1613 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 447**, AN ACT concerning income taxation; providing a checkoff for the Kansas mental health and substance use awareness, prevention and stigma reduction programs fund, by Committee on Public Health and Welfare.

**SB 448**, AN ACT concerning addiction counselors; relating to terminology updates; Kansas department for aging and disability services treatment programs; amending K.S.A. 59-29b54, 59-29b61 and 65-4016 and K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-4024a, 65-6608 and 65-6610 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 449**, AN ACT concerning the behavioral sciences regulatory board; amending K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337, by Committee on Public Health and Welfare.

**SB 450**, AN ACT concerning municipalities; relating to sanctuary ordinances and resolutions and the prohibition thereof, by Committee on Ways and Means.

**SB 451**, AN ACT concerning postsecondary education; authorizing the merger and consolidation of Wichita state university and Wichita area technical college; amending K.S.A. 72-4472 and K.S.A. 2015 Supp. 71-1802, 71-1803, 71-1808, 72-4417, 72-4440, 72-4466, 72-4480 and 72-4490 and repealing the existing sections, by Committee on Ways and Means.

**SB 452**, AN ACT concerning property taxation; relating to taxing subdivisions, approval of budgets, resolution and election requirements; amending K.S.A. 2015 Supp. 79-2925b and repealing the existing section, by Committee on Assessment and Taxation.

**SB 453**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; early release from incarceration, by Committee on Corrections and Juvenile Justice.

**SB 454**, AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp. 8-2107, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-170a, 28-172a, 28-177, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2008, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; reviving and amending K.S.A. 5-517 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b, 74-7325, 74-7334 and 75-7021 and repealing the revived sections; also repealing K.S.A. 5-517, as amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas, and 20-166, as amended by section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b, 74-7325, as amended by section 38 of chapter 82 of the 2014 Session Laws of Kansas, 74-7334, as amended by section 39

of chapter 82 of the 2014 Session Laws of Kansas, and 75-7021, as amended by section 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a16, 20-1a17, 21-6614f, 28-178 and 28-179, by Committee on Ways and Means.

**SB 455**, AN ACT concerning the Kansas cigarette and tobacco products act; relating to definitions, licenses and permits, suspension or revocation of a license, stamps, records required of dealer, unlawful acts, infractions, penalties, contraband goods, sale of cigarettes, counterfeit cigarettes, disposition of revenues, administrative fines, application of certain laws to taxes under act; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a and 79-3378 and K.S.A. 2015 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections, by Committee on Judiciary.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 442**.

Commerce: **HB 2512**.

Corrections and Juvenile Justice: **SB 434**, **SB 435**; **HB 2018**.

Ethics and Elections: **SB 441**.

Federal and State Affairs: **SB 443**; **SCR 1611**; **HB 2467**, **HB 2469**.

Financial Institutions and Insurance: **SB 438**.

Judiciary: **SB 439**, **SB 440**.

Public Health and Welfare: **SB 436**, **SB 437**.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Pilcher-Cook introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1762—

A RESOLUTION recognizing the Kansas Donated  
Dental Services Program's 20 years of service.

WHEREAS, The members of the Kansas Dental Association have been providing disabled and elderly Kansans with free dental care through the Kansas Donated Dental Services Program for 20 years since its inception in 1996; and

WHEREAS, The Kansas Donated Dental Services Program is overseen by Dental Lifeline Network of Kansas; and

WHEREAS, The Kansas Donated Dental Services Program has provided \$10 million in donated dental services to over 3,200 Kansans through the generosity of dentists and dental laboratories throughout the State of Kansas; and

WHEREAS, Seven hundred six volunteer dentists and 99 volunteer dental laboratories generously donated treatment services to aid the seriously neglected dental problems of medically fragile, disabled and aged individuals throughout the state; and

WHEREAS, Compared to other states with a Donated Dental Services Program, dentist participation in the Kansas program ranks among the highest; and

WHEREAS, The strength, success, vitality and effectiveness of the State of Kansas and its communities depend in great measure upon concerned and devoted programs, such as the Kansas Donated Dental Services Program: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize and thank the Kansas Donated Dental Services Program and its volunteers for their generosity during the last 20 years and for continuing to provide free dental care to the citizens of Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the Kansas Dental Association and the Kansas Donated Dental Services Program at 5200 SW Huntoon, Topeka, KS 66604.

On emergency motion of Senator Pilcher-Cook **SR 1762** was adopted by voice vote.

Guests introduced were Dr. Cindi Sherwood, Dr. Charles Squire and Dr. R. Wayne Thompson.

Senators honored the guests with a standing ovation.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

**SB 318** be amended by motion of Senator Olson: on page 5, following line 15, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 65-3031 is hereby amended to read as follows: 65-3031. (a) In accordance with the requirements of the environmental protection agency's rulemaking pursuant to docket EPA-HQ-OAR-2013-0602, the secretary may develop and submit to the environmental protection agency a state plan for compliance with the regulation of carbon dioxide from any affected or existing electric generating units pursuant to 42 U.S.C. § 7411. The secretary of health and environment may establish separate standards of performance for carbon dioxide emissions based upon: (1) The best system of emission reduction that has been adequately demonstrated while considering the cost of achieving such reduction;

(2) reductions in emissions of carbon dioxide that can reasonably be achieved through measures taken at each electric generating unit; and

(3) efficiency improvements to any affected electric generating unit and other measures that can be undertaken at each electric generating unit to reduce carbon dioxide emissions without any requirements for fuel switching, co-firing with other fuels or limiting the utilization of the unit.

(b) In establishing any standard of performance for any existing electric generating unit pursuant to this section, the secretary may consider alternative standards and metrics or may provide alternative compliance schedules than those provided by federal rules or regulations by evaluating: (1) Unreasonable costs of achieving an emission limitation due to plant age, location or the design of an electric generating unit;

(2) any unusual physical or compliance schedule difficulties or impossibility of implementing emission reduction measures;

(3) the cost of applying the performance standard to an electric generating unit;

(4) the remaining useful life of an electric generating unit;

(5) any economic or electric transmission and distribution impacts resulting from closing the electric generating unit if compliance with the performance standard is not possible; and

(6) the potential for a standard of performance relating to unit efficiency, including

any requirements for a new source review or the application of a best available control technology emission limitation for any criteria pollutant as a condition of receiving a permit or authorization for the project.

(c) The secretary may implement such standards through flexible regulatory mechanisms, including the averaging of emissions, emissions trading or other alternative implementation measures that the secretary determines to be in the interest of Kansas. The secretary may enter into voluntary agreements with utilities that operate fossil-fuel based electric generating units within Kansas to implement such carbon dioxide emission standards. Such agreements may aggregate the carbon dioxide emissions levels from electric resources in this state, including coal, petroleum, natural gas or renewable energy resources as defined in K.S.A. 2015 Supp. 66-1257, and amendments thereto, that are owned, operated or utilized by power purchase agreements by utilities for purposes of determining compliance with such carbon dioxide emission standards.

(d) The secretary and the state corporation commission shall enter into a memorandum of understanding concerning implementation of the requirements and responsibilities under the Kansas air quality act.

(e) (1) The secretary shall submit to the clean power plan implementation study committee:

(A) A plan to investigate, review and develop a state plan no later than the first week of November 2015;

(B) information on any final rule adopted by the environmental protection agency under docket EPA-HQ-OAR-2013-0602 no later than February 1, 2016; and

(C) any information requested by the chairperson.

(2) The state corporation commission shall submit information to the clean power plan implementation study committee concerning:

(A) Each utility's re-dispatch options along with the cost of each option;

(B) the lowest possible cost re-dispatch options on a state-wide basis; and

(C) the impact of each re-dispatch option on the reliability of Kansas' integrated electric systems.

(f) The secretary shall present any proposed state plan proposed for submission to the environmental protection agency to the clean power plan implementation study committee for review and input pursuant to K.S.A. 2015 Supp. 66-1285, and amendments thereto, at least 30 days prior to submission of such a plan to the environmental protection agency or any other federal agency. If a proposed plan is disapproved by the clean power plan implementation study committee, the secretary shall resubmit a revised plan to the study committee. The secretary may submit any proposed plan to the environmental protection agency that has been submitted to the study committee and that has not been disapproved by the committee within 30 days of the committee receiving such proposed plan.

(g) Notwithstanding review by the clean power plan implementation study committee of the submission of a state plan to the environmental protection agency, further action by the secretary to implement or enforce the final approved state plan is dependent upon the final adoption of the federal emission guidelines. If the federal emission guidelines are not adopted or are adopted and subsequently suspended, vacated, in whole or in part, or held to not be in accordance with the law, the secretary shall suspend or terminate, as appropriate, further action to implement or enforce the

state plan.

(h) Notwithstanding any other provision of law, prior to submitting any state plan to the environmental protection agency, the secretary shall: (1) Submit such state plan as proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto. Such submission shall be expedited by any agency reviewing such proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto;

(2) request a review of the proposed state plan by the office of the attorney general. The attorney general review may certify to the secretary that the plan will not hinder, undermine or in any way harm the position of the state of Kansas in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602. The attorney general shall also review the proposed state plan concerning any impacts on the protections guaranteed by the constitutions of the United States or the state of Kansas; and

(3) not submit a state plan if the attorney general review indicates that the proposed plan would adversely impact the state's legal position in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602 or if the attorney general review indicates that the proposed state plan adversely impacts protections guaranteed by the constitutions of the United States or the state of Kansas.

(i) The secretary shall be responsible for submitting a state plan to the environmental protection agency in a timely manner. Notwithstanding any other provision of this act, the secretary shall prepare and submit any request for an extension of time to file a state plan, if necessary, an interim state plan or a final state plan to the environmental protection agency. Any interim or final state plan shall be submitted by the secretary no less than four calendar days prior to the federal submission deadline, or extended submission deadline, established by the environmental protection agency. Any final state plan submitted to the environmental protection agency may only be submitted if the secretary has previously submitted such plan for review by the clean power plan implementation study committee pursuant to this act.

(j) Due to the February 9, 2016, stay issued by the United States supreme court, all state agency activities in furtherance of the environmental protection agency docket EPA-HQ-OAR-2013-0602, codified as 40 C.F.R. part 60, shall be suspended until the stay is lifted.

~~(j)~~(k) This section shall be part of and supplemental to the Kansas air quality act.";  
Also on page 5, in line 16, after the first comma by inserting "65-3031,";  
And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the first semicolon by inserting "concerning the department of health and environment and the state corporation commission, agency activities;"; also in line 3, after "45-229" by inserting "and 65-3031"; in line 4, by striking "section" and inserting "sections"; and **SB 318** passed as amended.

A motion by Senator Francisco to amend **SB 318** failed: "on page 1, in line 10, after "transfer" by inserting "\$35,000 from the KETA administrative fund to the state general fund and transfer"; also in line 10, after "all" by inserting "remaining"; in line 11, by striking "to the state general fund" and inserting "of the state corporation commission to the public service regulation fund of the state corporation commission"; in line 14, by striking "state general fund" and inserting "public service regulation fund of the state corporation commission".

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

On roll call, the vote was: Yeas 15; Nays 24; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Knox, LaTurner, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Absent or Not Voting: McGinn.

A second motion by Senator Francisco to amend **SB 318** failed.

The committee report on **SB 65** recommending **Sub SB 65** be adopted, and be further amended by motion of Senator Knox, on page 3, in line 38, by striking all after "handgun"; in line 39, by striking all before "shall";

On page 4, in line 16, after "building" by inserting ", or public area thereof,";

On page 6, in line 30, by striking "On and after July 1, 2014,"; and **Sub SB 65** be passed as further amended.

A motion by Senator Longbine to further amend **Sub SB 65** failed: "on page 5, in line 28, after the semicolon by inserting "or"; in line 30, by striking all after "thereto"; by striking all in lines 31 and 32; in line 33, by striking all before the period; in line 34, after "(k)" by inserting "The chancellor, president or chief administrative officer of a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, may exempt any building of such institution, or any public area thereof, from this section until July 1, 2021, by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general.

(l) ";

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

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 2; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Donovan, Haley.

Absent or Not Voting: McGinn.

A motion by Senator O'Donnell to amend **Sub SB 65** failed: on page 4, by striking all in lines 41 through 43;

On page 5, by striking all in lines 1 through 16; in line 28, after the semicolon by inserting "or"; in line 30, by striking "; or"; by striking all in lines 31 and 32; in line 33, by striking all before the period;

On page 6, in line 30, by striking "On and after July 1, 2014,";

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

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

On roll call, the vote was: Yeas 14; Nays 25; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Arpke, Bruce, Fitzgerald, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle.

Nays: Abrams, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Ostmeyer, Pettey, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

#### EXPLANATION OF VOTE

Mr. Chairman: It's time to get past the warm fuzzy feelings: the belief that signs protect us. This amendment removes one year of continued, required defenselessness of staff and students on university campuses that provide no security. If this is defeated, God forbid that an incident should happen on one of our campuses in that year and someone, or many, who are denied their ability to defend themselves incur serious injury or is killed. We would all deeply regret voting down this amendment. Mr. Chairman, I vote "Yes."—FORREST KNOX

Senator Arpke requests the record to show he concurs with the "Explanation of Vote" offered by Senator Knox on **Sub SB 65**.

A motion by Senator Wolf to further amend **Sub SB 65** failed: on page 5, in line 34, after "to" by inserting ": (1)"; in line 36, after "blind" by inserting "; or

(2) any building which is a part of a state or municipal owned medical care facility as defined by K.S.A. 65-425, and amendments thereto".

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

On roll call, the vote was: Yeas 10; Nays 28; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: McGinn.

Two motions by Senator Pettey to amend **Sub SB 65** failed.

The committee report on **HB 2365** recommending **S Sub HB 2365** be adopted, and the substitute bill be passed.

Senator Hensley moved **S Sub HB 2365** be rereferred to the Committee on Ways and Means. The motion failed.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Longbine.

Absent or Not Voting: McGinn.

**S Sub HB 2365** be further amended by motion of Senator Masterson on page 20, following line 12, by inserting:

"(p) On the effective date of this act, of the \$10,637,411 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 109(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account (507-00-1000-0100), the sum of \$117,068 is hereby lapsed."

**S Sub HB 2365** be further amended by motion of Senator King: on page 45, following line 29, by inserting:

"Sec. 101. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by this act or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast

Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal years 2016 and 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2015 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 175(b) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.";

And by renumbering sections accordingly.

**S Sub HB 2365** be further amended by motion of King: on page 45, in line 24, by striking "or"; in line 26, before the period, by inserting "; or (5) any item of appropriation for employer contributions for the state of Kansas and employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto";

Also on page 45, by striking all in lines 30 through 43;

By striking all on pages 46 through 52;

On page 53, by striking all in lines 1 through 31;

On page 59, following line 5, by inserting the following:

"Sec. 106. K.S.A. 75-3722 is hereby amended to read as follows: 75-3722. (a) An

allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, and amendments thereto, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including:

- (1) available resources;₺
- (2) current spending rates;₺
- (3) work loads;₺
- (4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations;₺
- (5) the minimum current needs of each agency;₺
- (6) requests for deficiency appropriations in prior fiscal years;₺
- (7) unexpended and unencumbered balances;₺ and
- (8) revenue collection rates and prospects.

(b) Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as ~~he or she~~ the director may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year.

(c) (1) The allotment system shall not apply to the legislature or to the courts or their officers and employees. During the fiscal year ending June 30, 2017, the allotment system provided by this section shall not apply to any item of appropriation for employer contributions for the state of Kansas and participating employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto.

(2) Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least ~~thirty (30)~~ 30 days before such decisions may become effective and any affected agency may, by written request addressed to the governor within ~~ten (10)~~ 10 days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within ~~twenty (20)~~ 20 days after the governor receives requests for such hearings.";

On page 62, in line 33, before "K.S.A." by inserting "K.S.A. 75-3722 and"; also in line 33, by striking "74-4914d, 74-4920,";

On page 1, in the title, in line 6, after "amending" by inserting "K.S.A. 75-3722 and"; also in line 6, by striking "74-"; in line 7, by striking "4914d, 74-4920,";

And by renumbering sections accordingly.

**S Sub HB 2365** be further amended by motion of Senator Denning: on page 10, following line 26, by inserting the following:

"(g) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other

appropriation act of the 2016 regular session of the legislature, to review, consider or approve a newly proposed STAR bond project or the expansion of any existing STAR bond project.";

On page 11, following line 11, by inserting the following:

"(f) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to review, consider or approve a newly proposed STAR bond project or the expansion of any existing STAR bond project."

**S Sub HB 2365** be further amended by motion of Senator Tyson: on page 45, following line 29, by inserting the following:

"Sec. 101. Notwithstanding the provisions of any other statute, during the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, no state agency named in chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016, 2017 or 2018 regular session of the legislature shall expend any moneys appropriated for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, from the state general fund or in any special revenue fund or funds for any state agency to enter into an agreement on or after the effective date of this act to outsource the operations or facilities of the Larned state hospital or the Osawatomic state hospital without prior specific authorization in an act of the legislature or in an appropriation act of the legislature.";

And by renumbering sections accordingly.

**S Sub HB 2365** be further amended by motion of Senator Arpke: on page 25, following line 16, by inserting the following:

"(c) On July 1, 2016, of the \$101,798,358 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 127(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$6,215,861 is hereby lapsed.

Sec. 58.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality).....\$6,215,861";

And by renumbering sections accordingly.

**S Sub HB 2365** be further amended by motion of Senator Holmes: on page 59, by striking all in lines 6 through 43;

By striking all on page 60;

On page 61, by striking all in lines 1 through 24;

On page 62, in line 34, by striking ", 75-6609";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, by striking ", 75-6609".

**S Sub HB 2365** be further amended by motion of Senator Powell: on page 38, in line 10, before the period, by inserting:

" : *Provided*, That in addition to the other purposes for which expenditures may be

made by the above agency from moneys appropriated from the wildlife fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism";

Also on page 38, in line 15, before the period by inserting:

"*Provided*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the parks fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the parks fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism";

Also on page 38, in line 20, before the period by inserting:

"*Provided*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the boating fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the boating fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism."

**S Sub HB 2365** be further amended by motion of Senator Kelly: on page 20, in line 35, by subtracting \$7,237,635 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 23, following line 14, by inserting:

"(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2017, the following:

Parent education program ..... \$7,237,635

*Provided*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant."

**S Sub HB 2365** be further amended by motion of Senator Hensley: on page 45, following line 29, by inserting the following:

"Sec. 101. K.S.A. 2015 Supp. 68-2320 is hereby amended to read as follows: 68-2320. (a) On and after July 1, 1991, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$890,000,000.

(b) In addition to the provisions of subsection (a), on and after July 1, 1999, the

secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$1,272,000,000.

(c) (1) In addition to the provisions of subsections (a) and (b), on and after July 1, 2010, the secretary of transportation is hereby authorized and empowered to issue additional bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. ~~Except as provided further, No bonds shall be issued by the secretary pursuant to this subsection unless the secretary certifies that, as of the date of issuance of any such series of additional bonds, the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, including the bonds to be issued on such date, will not exceed 18% of projected state highway fund revenues for the current or any future fiscal year. During the fiscal year ending June 30, 2016, and the fiscal year ending June 30, 2017, the provisions of this subsection which prescribe a limitation on the amount of the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, for the purpose of issuing any such series of additional bonds authorized by the secretary are hereby suspended. The provisions of this section relating to limitations of bonded indebtedness shall not in any way impair the rights and remedies of the holders of any bonds issued prior to the effective date of this act.~~

(2) As used in this subsection:

(A) "Maximum annual debt service" means the maximum amount of debt service requirements on all outstanding bonds for the current or any future fiscal year;

(B) "debt service requirements" means, for each fiscal year, the aggregate principal and interest payments required to be made during such fiscal year on all outstanding bonds, including the additional bonds to be issued, less any interest subsidy payments expected to be received from the federal government, less any principal and interest payments irrevocably provided for from a dedicated escrow of United States government securities;

(C) "projected state highway fund revenues" means all revenues projected by the secretary of transportation to accrue to the state highway fund for the current or any future fiscal year; and

(D) "fiscal year" means the fiscal year of the state.

(3) Debt service requirements for variable rate bonds outstanding or proposed to be issued for the current or any future fiscal year for which the actual interest rate cannot be determined on the date of calculation shall be deemed to bear interest at an assumed rate equal to the average of the SIFMA swap index, or any successor variable rate index, for the immediately preceding five calendar years plus 1% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and

remarketing costs; except that, debt service requirements for variable rate bonds that are hedged pursuant to an interest rate exchange or similar agreement that results in synthetic fixed rate debt shall be deemed to bear interest at the synthetic fixed rate plus 0.5% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs.

(4) Projected state highway fund revenues for the current or any future fiscal year for which the actual revenues cannot be determined on the date of calculation shall be deemed to be the actual revenues for the most recently completed fiscal year, adjusted in each subsequent fiscal year by a percentage equal to the historical average annual increase or decrease in revenues for the five fiscal year period prior to the current fiscal year, and further adjusted to take into account any increases or decreases in the statutory rates of any taxes or other charges or transfers that comprise a portion of the revenues.

(d) In accordance with procurement statutes, the secretary may contract with financial advisors, attorneys and such other professional services as the secretary deems necessary to carry out the provisions of this act, and to do all things necessary or convenient to carry out the powers expressly granted in this act.";

On page 62, in line 33, following "Supp." by inserting "68-2320,";

On page 1, in the title, in line 6, following "Supp." by inserting "68-2320,";

And by renumbering remaining sections accordingly.

**S Sub HB 2365** be further amended by motion of Senator Smith: on page 30, in line 29, by adding \$2,000,000 to the dollar amount and by adjusting the dollar amount in line 29 accordingly; following line 34, by inserting the following:

"(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Evidence based juvenile programs .....\$2,000,000: and

**S Sub HB 2365** passed as further amended.

A motion by Senator Kelly to amend **S Sub HB 2365** failed: on page 22, by striking all in lines 41 through 43;

On page 23, by striking all in lines 1 through 14 inserting the following:

"(a) On July 1, 2016, the provisions of section 3 of chapter 4 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect."

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

On roll call, the vote was: Yeas 0; Nays 31; Present and Passing 8; Absent or Not Voting 1.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

A motion by Senator Pettey to further amend **S Sub HB 2365** failed: on page 39, by striking all in lines 26 through 41 and inserting:

"(b) During fiscal year 2017, the secretary of transportation shall continuously monitor the implementation of the recommendations of the Kansas statewide efficiency

review concerning the department of transportation, which was conducted during fiscal year 2016: *Provided*, That on September 30, 2016, December 31, 2016, March 31, 2017, and June 30, 2017, the secretary of transportation shall determine and certify to the director of accounts and reports the amount: (1) That is determined by the the secretary of transportation to be actual or projected cost savings as a result of the implementation of such efficiency recommendations concerning the department of transportation during the preceding three months; and (2) of the payments received by the department of transportation for the leasing of the excess bandwidth on such department's communication system during the preceding three months: *Provided further*, That upon receipt of such certification and determining the amount of the payments and upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, the director of accounts and reports shall transfer such amounts from the state highway fund to the state general fund: *Provided however*, That the aggregate amount of such transfers during fiscal year 2017 pursuant to this subsection shall not exceed \$25,000,000."

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Absent or Not Voting: McGinn.

A motion by Senator Holland to further amend **S Sub HB 2365** failed: on page 20, following line 12, by inserting the following:

"(p) Notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2016 by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2017, to provide for a contract addendum to any contract entered into with the state of Kansas and a business entity to provide services related to the KanCare medical program prohibiting such business entity or any officer, director or employee of any such business entity from making any campaign contribution to any member of the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight during fiscal year 2017."

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

On roll call, the vote was: Yeas 6; Nays 22; Present and Passing 10; Absent or Not Voting 2.

Yeas: Baumgardner, Faust-Goudeau, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Arpke, Bowers, Bruce, Donovan, Fitzgerald, Kerschen, King, Knox, Longbine, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Denning, Francisco, Haley, Kelly, LaTurner, Love, O'Donnell, Pilcher-Cook, V. Schmidt, Wolf.

Absent or Not Voting: Holmes, McGinn.

#### EXPLANATION OF VOTE

Mr. Chairman: We must begin removing the appearance of conflict of interest on the public sphere, if we are to regain the people's trust!—TOM HOLLAND

A motion by Senator Powell was withdrawn.

A motion by Senator Kerschen was withdrawn following a decision by the Rules Committee that the amendment did not comply with Joint Rule 6 budget requirements.

A motion by Senator Francisco to amend **S Sub HB 2365** failed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub SB 65**; **SB 318** and **S Sub HB 2365** were advanced to Final Action and roll call.

**Sub SB 65**, AN ACT concerning firearms; relating to the personal and family protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Hawk, Holland, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Chairman: The safety of the citizens of Kansas should be a top priority of this legislature. **Sub SB 65** ignores that responsibility. Employees carrying outside the work site without training is poor policy. Policy decisions which affect a city or county should be made at the community level by citizens elected by that community. Home Rule should not be ignored. I vote "No" on **Sub SB 65**.—PAT PETTEY

Senators Faust-Goudeau, Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **Sub SB 65**.

**SB 318**, AN ACT concerning utilities; relating to state entities; concerning the Kansas electric transmission authority; abolishing certain funds and transferring the balances; concerning the department of health and environment and the state corporation commission, agency activities; amending K.S.A. 2015 Supp. 45-229 and 65-3031 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 74-99d01, 74-99d02, 74-99d03, 74-99d04, 74-99d05, 74-99d06, 74-99d07, 74-99d08, 74-99d10, 74-99d11, 74-99d12, 74-99d13 and 74-99d14.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Francisco, Pettey.

Absent or Not Voting: McGinn.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 318**. While I understand that the legislature may choose to end the Kansas Electric Transmission Authority (KETA), I would hope that we would have done it in a way that is respectful to the members of KETA by setting the effective date of the bill as publication in the statute book. I also would hope that we would have shown respect for utility customers by transferring money, now in the KETA fund that was collected from utility companies and paid for by their customers, back to those customers through a transfer to the Public Service Regulation Fund rather than swept into the state general fund.—MARCI FRANCISCO

**S Sub HB 2365**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-3722 and K.S.A. 2015 Supp. 68-2320, 74-50,107, 74-99b34, 75-2319 and 79-34,161 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Pettey, Pyle, V. Schmidt, Tyson, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: **S Sub HB 2365** is the product of many hours of work by the Senate Ways and Means Committee. I greatly appreciate their work and efforts and have an understanding that they work off of the Governors recommendations. Our current financial conditions have left them with very few options. I cannot continue to support budgets that use fee sweeps, expend one time money, continues to take money from transportation, over-estimate revenue and savings, and leave virtually no ending

balance. My hope is that this legislature can one day return to a fiscally responsible budget with a tax policy that supports the citizens of the State of Kansas. I vote "No" on **Sub for HB 2365**.—JEFF LONGBINE

Senators Haley, Hawk, Hensley, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Longbine on **S Sub HB 2365**.

Madam President: The budget, for the eighth straight year, has failed to provide a pay increase for our state employees; within the exception of conservation and wildlife employees this evening. Fiscal year 2009 was the last time we gave state employees a pay raise of 2.5%. That same year private sector employees saw a nearly identical pay raise. In fiscal year 2010, state employees saw no increase whereas their private sector counter parts saw a 0.5% increase – in the height of the Great Recession I might add. Fiscal year 2011, nothing, even though the private sector saw a 2.3% increase. Fiscal year 2012 again zero, while the private sector saw a gain of 2.2%. Fiscal year 2013 again nothing, whereas the private sector saw a 0.7% increase. And in FY 2014 again no increase, even though private sector salaries grew by 3%. Is it any wonder our best and our brightest are leaving the state? I vote "No" on **S Sub HB 2365**.—LAURA KELLY

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 161**, as amended by **H Sub SB 161**.

The House nonconcur in Senate amendments to **HB 2387**, requests a conference and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Masterson the Senate nonconcurrred in the House amendments to **H Sub SB 161** and requested a conference committee be appointed.

The President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

#### ORIGINAL MOTION

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2387**.

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

#### CHANGE OF REFERENCE

The President withdrew **SB 436** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 390** be amended on page 56, in line 38, before "Except" by inserting "(a)"; in line 42, by striking "(a)" and inserting "(1)"; in line 43, by striking the third "or";

On page 57, in line 1, by striking "(b)" and inserting "(2)"; in line 7, after "transaction" by inserting "; or

(3) a trust company to merge or consolidate with any trust company, or either directly or indirectly acquire the assets of any other trust company, referred to hereinafter as a merger transaction.

(b) A trust company may merge or consolidate with a trust company chartered by:

(1) The comptroller of the currency; or

(2) another state with the prior written approval of the commissioner. An application filed pursuant to this subsection shall be subject to the provisions of K.S.A. 9-1721, 9-1722 and 9-1724, and amendments thereto";

Also on page 57, in line 10, after "bank" by inserting "or trust company"; in line 36, after the first "bank" by inserting "or trust company"; also in line 36, after the second "bank" by inserting "or trust company";

On page 59, in line 11, after "banks" by inserting "or trust companies"; in line 14, after "bank" by inserting "or trust company"; in line 16, after "bank" by inserting "or trust company";

On page 60, in line 15, after "institution" by inserting "or a trust company chartered by:

(1) The comptroller of the currency; or

(2) another state"; in line 25, after "bank" by inserting "or trust company"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 372** be amended on page 2, in line 34, by striking "30" and inserting "18";

On page 4, in line 8, by striking "36" and inserting "24"; in line 10, by striking "48-month" and inserting "36-month"; in line 11, by striking "48" and inserting "36"; in line 20, by striking "36<sup>th</sup>" and inserting "24<sup>th</sup>";

On page 6, in line 10, by striking "36" and inserting "24"; in line 14, by striking "48-month" and inserting "36-month";

On page 11, in line 33, by striking all after "(2)"; by striking all in lines 34 and 35; in line 36, by striking "department" and inserting "The Kansas department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of \$5,000 during the reported month. The Kansas department for children and families"; in line 38, by striking "department" and inserting "Kansas department for children and families"; in line 41, by striking "department" and inserting "Kansas department for children and families"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Friday, February 12, 2016.

# Journal of the Senate

TWENTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 12, 2016, 9:00 a.m.

The Senate was called to order by President Susan Wagle.

Roll was called with 23 senators present.

Senators Abrams, Baumgardner, Denning, Faust-Goudeau, Haley, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Pilcher-Cook, Wilborn and Wolf were excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, once again, the weekend is upon us. Time for a break from the concerns of the dome and time to turn to the concerns of home. In 1 John 4:8, You described Yourself. You described Your character as love, and said that anyone who doesn't love others has never known You. So, this weekend, help us to show others that we do know You. In our prayer yesterday, Lord, we asked You to help us be demonstrations of Your love. Help us now, to carry our love demonstrations all across this state, beginning in our homes. As we go, appoint us as Your ambassadors; contrary to being tourists. A tourist represents himself, goes where he wants and does what he chooses. Ambassadors represent the government they're under, going where their government wants and doing what their government chooses. Help us be Your ambassadors, governed by You...spreading Your love. When the quality of our love is tested...when its value is assessed by someone who is unlovely, we'll need You to take control and let the love that we cannot provide in the natural be provided through You in the supernatural. We thank You in advance now for the tests we will encounter and for how, by Your grace, You'll empower us to do well, in representing You. Thank You Lord, for using this prayer to turn our hearts to You. In Jesus' name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 447, SB 452.**

Corrections and Juvenile Justice: **SB 453.**

Education: **SB 444.**

Federal and State Affairs: **SB 450.**

Judiciary: **SB 454, SB 455.**

Public Health and Welfare: **SB 445, SB 446, SB 448, SB 449.**

Ways and Means: **SB 451.**

**REPORTS OF STANDING COMMITTEES**

Committee on **Natural Resources** recommends **SB 329** be amended on page 2, by striking all in lines 39 through 43;

On page 3, by striking all in lines 1 through 6; in line 7, by striking all before the period and inserting "as provided in K.S.A. 82a-736, and amendments thereto"; following line 9, by inserting:

"Sec. 2. K.S.A. 2015 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) It is hereby recognized that an opportunity exists to improve water management by enabling multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, provided, that such flexibility neither impairs existing water rights, nor increases the total amount of water diverted, so that such flexibility has no long-term negative effect on the source of supply. It is therefore declared necessary and advisable to permit the establishment of multi-year flex accounts for groundwater water rights, together with commensurate protections for existing water rights and their source of supply.

(b) As used in this section:

(1) "Base water right" means a water right under which an applicant applies to the chief engineer to establish a multi-year flex account and where all of the following conditions exist:

(A) The authorized source of supply is groundwater; and

(B) the water right has not been the subject of a change approval to implement the provisions of K.A.R. 5-5-9(a)(2), K.A.R. 5-5-11(b)(2) or K.A.R. 5-5-11(b)(3), in effect upon the effective date of this act.

(2) "Multi-year flex account" means a term permit which suspends a base water right during its term, except when the term permit may be no longer exercised because of an order of the chief engineer, and is subject to the terms and conditions as provided in subsection (e).

(3) "Base average usage" means: (A) The average amount of water actually diverted for a beneficial use under the base water right during calendar years 2000 through 2009, excluding any amount diverted in any such year that exceeded the maximum annual quantity of water authorized by the base water right; or (B) if the holder of the base water right shows to the satisfaction of the chief engineer that water conservation reduced water use under the base water right during calendar years 2000 through 2009, then the average amount of water actually diverted for a beneficial use under the base water right during the five calendar years immediately before the calendar year when water conservation began, excluding any amount used in any such year that exceeded the amount authorized by the base water right.

(4) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(5) "Flex account acreage" means the maximum number of acres lawfully irrigated during a calendar year when no term, condition or limitation of the base water right has been violated and either of the following conditions is met:

(A) The calendar year is 2000 through 2009; or

(B) if water conservation reduced water use under the base water right during calendar years 2000 through 2009, the calendar year is a year within the five calendar years immediately prior to the calendar year when water conservation began.

(6) "Net irrigation requirement" means the net irrigation requirement for 50%

chance rainfall of the county that corresponds with the location of the authorized place of use of the base water right as provided in K.A.R. 5-5-12, on the effective date of this act.

(c) (1) Any holder of a base water right that has not been deposited or placed in a safe deposit account in a chartered water bank may establish a multi-year flex account where the holder may deposit, in advance, the authorized quantity of water from such water right for any five consecutive calendar years, subject to all of the following:

(A) The water right must be vested or shall have been issued a certificate of appropriation;

(B) the withdrawal of water pursuant to the water right shall be properly and adequately metered;

(C) the water right is not deemed abandoned and is in compliance with the terms and conditions of its certificate of appropriation, all applicable provisions of law and orders of the chief engineer;

(D) the amount of water deposited in the multi-year flex account shall not exceed the greatest of the following:

(i) 500% of the base average usage;

(ii) 500% of the product of the annual net irrigation requirement multiplied by the flex account acreage, multiplied by 110%, but not greater than five times the maximum annual quantity authorized by the base water right;

(iii) if the authorized place of use is located wholly within the boundaries of a groundwater management district, an amount that shall not increase the long-term average use of the groundwater right as specified by rule or regulation promulgated pursuant to K.S.A. 82a-1028(o), and amendments thereto; or

(iv) pursuant to subparagraph (E), the amount computed in (i), (ii) or (iii) plus any deposited water remaining in a multi-year flex account up to 100% of the base average usage;

(E) any deposited water remaining in a multi-year flex account up to 100% of the base average usage may be added to the deposit amount calculated in subparagraph (D) if the base water right is enrolled in another multi-year flex account during the calendar year in which the existing multi-year flex account expires. The total amount of water deposited in any multi-year flex account shall not exceed 500% of the authorized quantity of the base water right; and

(F) notwithstanding any other provisions of this subsection, except when the base water right is suspended due to the issuance of a two-year term permit in a designated drought emergency area for 2011 and 2012, the quantity of water deposited into a multi-year flex account shall be reduced by the quantity of water used during the calendar year of the maximum annual quantity of the base water right during 2011 if the application for a multi-year flex account is filed with the chief engineer on or before July 15, 2012.

(2) The provisions of K.A.R. 5-5-11 are limited to changes in annual authorized quantity and shall not apply to this subsection.

(d) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the five consecutive calendar years for which the application for the term permit authorizing a multi-year flex account is made, without annual limits on such use.

- (e) Term permits provided for by this section shall be subject to the following:
- (1) A separate term permit shall be required for each point of diversion authorized by the base water right.
  - (2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (c)(1)(D).
  - (3) The rate of diversion for each point of diversion authorized under the term permit shall not exceed the rate of diversion for each point of diversion authorized under the base water right.
  - (4) The authorized place of use shall be the place of use or a subdivision of the place of use for the base water right. Any approval of an application to change the place of use of the base water right shall automatically result in a change to the place of use for the term permit.
  - (5) The point of diversion authorized by the term permit shall be specified by referencing one point of diversion authorized by the base water right at the time the multi-year flex account term permit application is filed with the chief engineer or at the time any approvals changing such referenced point of diversion of the base water right are approved during the multi-year flex account period. For a base water right with multiple points of diversion, each point of diversion authorized by a term permit shall receive a specific assignment of a maximum authorized quantity of water, assigned proportionately to the authorized annual quantities of the respective points of diversion under the base water right.
  - (6) The chief engineer may establish, by rules and regulations, criteria for such term permits.
  - (7) Except as explicitly provided for by this section, such term permits shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.
- (f) An application for a multi-year flex account shall be filed with the chief engineer on or before October 1 of the first year of the multi-year flex account term for which the application is being made.
- (g) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.
- (h) The fee for a multi-year flex account term permit shall be the same as specified for other term permits in K.S.A. 82a-708c, and amendments thereto, except as follows:
- (1) If the base water right is currently suspended due to the issuance of a two-year term permit in a designated drought emergency area for 2011 and 2012, then a holder of such term permit shall be subject to a \$200 application fee for a multi-year flex account term permit if the application is filed on or before July 15, 2012; or
  - (2) if water use under the authority of the base water right exceeded the maximum annual quantity authorized by the base water right during 2011 and the holder of the base water right files an application for approval of a multi-year flex account term

permit on or before July 15, 2012, then the application fee shall be \$600.

(i) The chief engineer shall have full authority pursuant to K.S.A. 82a-706c, and amendments thereto, to require any additional measuring devices and any additional reporting of water use for term permits issued pursuant to this section. Failure to comply with any measuring or reporting requirement may result in a penalty, up to and including the revocation of the term permit and the suspension of the base water right for the duration of the term permit period.

(j) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on agriculture and natural resources and the senate standing committee on natural resources on or before February 1 of each year.

(k) This section shall be part of and supplemental to the Kansas water appropriation act.:";

Also on page 3, in line 10, by striking "is" and inserting "and 82a-736 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "82a-708c" by inserting "and 82a-736"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 337** be amended on page 1, in line 14, after "(b)" by inserting "(1)"; in line 17, after "(a)" by inserting:

":

(A) Except as provided in paragraph (B).";

Also on page 1, in line 18, by striking "\$1,000" and inserting "\$250; or

(B) for two or more consecutive calendar years, shall be subject to a civil penalty in an amount not to exceed \$1,000"; also in line 18, after the period by inserting:

"(2) ";

Also on page 1, in line 26, after the period by inserting:

"(3) ";

Also on page 1, following line 36, by inserting:

"(e) The provisions of this section shall be part of and supplemental to the Kansas water appropriation act, K.S.A. 82a-701 et seq., and amendment thereto.;" and the bill be passed as amended.

## REPORT ON ENROLLED BILLS

**SR 1761, SR 1762** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 8 through February 12, 2016:

Senator Arpke: congratulating Jesse Patrick on receiving the Phi Theta Kappa Academic Recognition Award, congratulating Alexandria Walters on receiving the Phi Theta Kappa Academic Recognition Award;

Senator Bowers: congratulating the Phillipsburg High School Football Team on winning the 2015 State Championship, celebrating Mary Dillon's 100th Birthday, celebrating Lorene Nickerson's 100th Birthday, congratulating Jana Roush on being named the Cloud County Register of Deeds, congratulating Bob Atkinson on his induction into the Kansas Fairs and Festivals Hall of Fame;

Senator Faust-Goudeau: recognizing the African American History Planning Committee of the Unified Government for hosting its 24th Annual Banquet and Scholarship Presentation; and

Senator Petersen: congratulating Ben DeKoning on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 15, 2016.

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 15, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

Roll was called to with 39 senators present.

Senator Wolf was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, today, this nation is celebrating President's Day. We're grateful for the opportunity and we're seeking Your guidance in selecting our 45th President to serve in the highest office of this land. And we believe in the greatness of that office. But in spite of the greatness of that office, we believe that the greatness of this nation is due to the greatness of its people. And the greatness of its people is due to the greatness of our faith. And for our faith to truly be qualitative, Your sovereign greatness must serve as the foundation. For You said in 2 Corinthians 5:7, that faith in You should regulate everything we do. So, as we move toward the selection of a new Presidential authority, we'll look to You to guide us. Help us remember that ultimately all authority comes from You and as a result, we are more responsible to You than to the voters. When it comes to our affairs, Lord, You said in 1 Timothy 6:15 that You are the actual Ruler...that You're the King of kings and Lord of lords. Therefore, to fix this nation's difficulties and for our state's problems to be resolved, we need to see You, not only in the oval office of President, but in each governor's seat, in each legislative chamber...in each office...and present in every chair. When we show up and take our seats, let our attitudes, our words and our decisions, reflect that You are here and in charge. Father, I bring this petition to the foot of Your throne. In the name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 456**, AN ACT concerning adult care homes; relating to electronic monitoring, by Committee on Ways and Means.

**SB 457**, AN ACT concerning skilled nursing care facilities; relating to the quality care assessment; rate and sunset thereof; amending K.S.A. 2015 Supp. 75-7435 and repealing the existing section, by Committee on Ways and Means.

**CHANGE OF REFERENCE**

An objection having been made to **SB 353** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

The President withdrew **SB 453** from the Committee on **Corrections and Juvenile Justice**, and referred the bill to the Committee on **Judiciary**.

**POINT OF PERSONAL PRIVILEGE**

Senator Wagle recognized Elaine Ward, upon her retirement from the Senate staff after 15 years. Members of Elaine's family were also present for this special recognition.

Senators honored Elaine with a standing ovation.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Hawk and Bowers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1763—

A RESOLUTION congratulating and commending Lindy Richardson Lindquist for being inducted into the National 4-H Hall of Fame.

WHEREAS, The National 4-H Hall of Fame was created in 2002 as a 4-H Centennial project to recognize and celebrate those people who have made a significant impact on 4-H and its members; and

WHEREAS, Each laureate is selected for the National 4-H Hall of Fame because of his or her significant contribution to 4-H, the nation's premier youth development organization that serves over six million youth nationwide. 4-H programs in every state, U.S. territory and the District of Columbia, as well as 4-H's three national partners, nominate outstanding individuals for this honor. Lindy Richardson Lindquist and fifteen other individuals were inducted into the National 4-H Hall of Fame during a special ceremony on October 9, 2015; and

WHEREAS, Lindy Richardson Lindquist has dedicated her life to the youth of Kansas through the 4-H program. Her extension career started in Chase County, a small rural county in the Flint Hills where she served as Home Economist and 4-H Agent. Finding that working with youth was her passion, she accepted a position as Douglas County 4-H Agent and later became Kansas' first State 4-H Events Coordinator, coordinating state and national educational events; and

WHEREAS, Since retirement, Lindy Richardson Lindquist's service to 4-H has taken on volunteer and philanthropic roles. She has continued to provide instruction and logistical coordination of state-wide events, judge at fairs, sponsor an annual college scholarship and has established an estate gift to 4-H through the Kansas 4-H Foundation; and

WHEREAS, Lindy Richardson Lindquist has helped thousands of young people become confident adults who continue "To Make the Best Better": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Lindy Richardson Lindquist for being inducted into the National 4-H Hall of Fame; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Lindy Richardson Lindquist.

On emergency motion of Senator Hawk **SR 1763** was adopted by voice vote.

Guests introduced were Lindy Richardson Lindquist, Jack Lindquist and Representative Susan Concannon.

Senators honored the guests with a standing ovation.

#### **MESSAGE FROM THE HOUSE**

The House nonconcur in Senate amendments to **S Sub HB 2365**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 161** and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 248** and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

#### **ORIGINAL MOTION**

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub HB 2365**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Education** recommends **SB 323** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 323," as follows:

"Substitute for SENATE BILL No. 323

By Committee on Education

"AN ACT concerning school districts; creating the Jason Flatt act; requiring suicide prevention training for school district personnel.";

And the substitute bill be passed.

Committee on **Utilities** recommends **SB 412** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Administration: K.S.A. 75-3702a

Sarah Shipman, serves at the pleasure of the Governor

#### **REPORT ON ENROLLED BILLS**

**SB 133** reported correctly enrolled, properly signed and presented to the Governor on February 15, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 16, 2016.

# Journal of the Senate

TWENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 16, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
Roll was called with 39 senators present.  
Senator Kelly was excused.  
Invocation by Reverend Cecil Washington, Jr.:

Gracious and Almighty Creator, You said in James 4:6, You'd give grace... undeserved favor and power when we embrace a humble disposition. So reveal to us any areas where pride, self-importance or a lack of humility is hindering the flow of Your grace...whether in our homes or in our communities or in these halls. Regardless of where we sit...regardless of our stand, You've established us as one body, with You as the Head. And as You have done within the human body, You have done within this body. You brought us together as members, connecting us to one another, giving each of us unique gifts and abilities, that we might accomplish Your purposes. But, Lord, we struggle with exhibiting the love and humility that it takes to be united. So, please, for the good of the work, and to bring glory to Your name, reveal attitudes or actions or decisions, not in harmony with You. Bring our lives together Lord. And be the glue... the super glue, that unites us to achieve super results. Then, keep us humble. Keep us in the right frame of mind, that Your grace and power will be seen, as You turn impossibles into possibles and into probables and into certainties. Yours for the cause of unity. In Jesus' name, Amen

The Pledge of Allegiance was led by Vice President King.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 458**, AN ACT concerning alcoholic beverages; dealing with beer and cereal malt beverages; amending K.S.A. 41-103 and K.S.A. 2015 Supp. 41-102, 41-304, 41-308, 41-310, 41-2701, 41-2702 and 79-4108 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 459**, AN ACT concerning the state fire marshal; relating to certain license fees; amending K.S.A. 2015 Supp. 31-133a and 31-503 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 460**, AN ACT concerning social and rehabilitative institutions; relating to appointment of superintendents, physicians, employees and staff; classification under the Kansas civil service act; amending K.S.A. 76-12a02, 76-12a03, 76-12a04 and 76-12a05 and K.S.A. 2015 Supp. 76-12a01 and repealing the existing sections, by Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTION No. 1612—

By Senators Holland, Hensley, Bowers, Faust-Goudeau, Francisco,  
Haley, Hawk, LaTurner, Longbine, O'Donnell, Olson and Wolf

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the sales and compensating use taxation of food and food ingredients, exemption.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding the new section thereto:

**"§14. Sales and Compensating Use Taxation of Food and Food Ingredients; Exemption.**

(a) Commencing July 1, 2017, and ending June 30, 2018, the rate of sales and compensating use tax on food and food ingredients shall be 4%.

(b) Commencing on July 1, 2018, and ending June 30, 2019, the rate of sales and compensating use tax on food and food ingredients shall be 2%.

(c) Commencing July 1, 2019, and thereafter, the sale of food and food ingredients shall be exempt from sales and compensating use taxation.

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

*"Explanatory statement.* The purpose of this amendment is to provide a phase out of sales and compensating use taxation of food and food ingredients. Commencing July 1, 2019, the sale of food and food ingredients shall be exempt from sales and compensating use taxation.

"A vote for this proposition would provide the rate of sales and compensating use taxation for food and food ingredients to be as follows:

From July 1, 2017, to June 30, 2018, at 4%;

From July 1, 2018, to June 30, 2019 at 2%;

Commencing July 1, 2019, and thereafter, exempt.

"A vote against this proposition would make no changes in current law and continue the sales and compensating use taxation of food and food ingredients at the same rate as most other taxable items."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Public Health and Welfare: **SB 456**.

Ways and Means: **SB 457**.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 161**, and has appointed Representatives Ryckman, Schwartz and Henry as second conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RON RYCKMAN, JR.

SHARON SCHWARTZ

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

On motion of Senator Masterson the Senate adopted the conference committee report on **H Sub SB 161**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **H Sub SB 161**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1764—

A RESOLUTION congratulating and commending the 2015  
Kansas National Board Certified Teachers.

WHEREAS, Three of Kansas' finest educators have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 18, 2016; and

WHEREAS, The 2015 Kansas National Board Certified Teachers are: Misti Dailey, Tanglewood Elementary School, USD 260 Derby; Jill Holmes, Aubry Bend Middle School, USD 229 Blue Valley; Ami Lin, Trail Ridge Middle School, USD 231 Gardner-Edgerton; and

WHEREAS, National Board Certification, a voluntary process established by the National Board of Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that

measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments, teachers demonstrate their subject matter knowledge, provide evidence that they know how to most effectively teach their subjects to students and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board of Professional Teaching Standards is an independent, nonprofit, nonpartisan and nongovernmental organization. Its mission is to advance the quality of teaching and learning by: Maintaining high and rigorous standards for what accomplished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related educational reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teacher; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored, plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1764** was adopted by voice vote.

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

SENATE RESOLUTION No. 1765—

A RESOLUTION congratulating and commending the 2016  
Kansas Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award Program, currently in its 14<sup>th</sup> year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for the program, teachers must have successfully completed their first year of teaching and performed in such a way as to distinguish themselves as outstanding. The Kansas Horizon Award Program is a regional competition of four regions corresponding to the United States congressional districts of Kansas. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are: Region 1: Karisa Cowan, Hoisington Middle School, USD 431 Hoisington; Manuel Estrada Espinoza, Walnut Elementary School, USD 253 Emporia; Aspen Frey, Lincoln Elementary School, USD 418 McPherson; Amalea Peters, Clay Center Middle School, USD 379 Clay Center; Alissa Miller, Emporia Middle School, USD 253 Emporia; Andrew Potts, Kenneth Henderson Middle School, USD 457 Garden City; Allie Ronnebaum, Fort Riley Middle School, USD 475

Geary County; Chelsea Willems, Ware Elementary School, USD 475 Geary County; and

Region 2: Barbara Atkins, Robinson Middle School, USD 501 Topeka; Jordan Boyd, Lawrence Free State High School, USD 497 Lawrence; Frances Caudill, Schwegler Elementary School, USD 497 Lawrence; Kara Douglas, Glenwood Ridge Elementary School, USD 458 Basehor-Linwood; Madison Hunter, Galesburg Middle School, USD 101 Erie-Galesburg; Sarah Johnson, Baldwin Junior High School, USD 348 Baldwin; Lara McDonald, Washburn Rural Middle School, USD 437 Auburn-Washburn; Samantha McHenry, Shawnee Heights Elementary School, USD 450 Shawnee Heights; and

Region 3: Lauren Brown, Heatherstone Elementary School, USD 233 Olathe; Jocelyn Cummings, Mission Trail Middle School, USD 233 Olathe; Stefanie Hagemann, Prairie Star Elementary School, USD 229 Blue Valley; Andrew Hulse, Blue Valley High School, USD 299 Blue Valley; Brett Mach, Shawnee Mission Northwest High School, USD 512 Shawnee Mission; Hannah Ozier, Wolf Creek Elementary School, USD 230 Spring Hill; Katie Sutton, Oak Park-Carpenter Elementary School, USD 512 Shawnee Mission; Taylore Weitner, Mill Creek Middle School, USD 232 De Soto; and

Region 4: Daniel Heath, Derby North Middle School, USD 260 Derby; Molly Kretzer, Andale High School, USD 267 Renwick; Tiffany Lippoldt, Skelly Elementary School, USD 490 El Dorado; Kelly McMains, Prairie Creek Elementary School, USD 385 Andover; Andrea Pope, Griffith Elementary School, USD 259 Wichita; Kaitlyn Salazar, Hamilton Middle School, USD 259 Wichita; Jenny Waugh, Circle Oil Hill Elementary School, USD 375 Circle; Eric Weinbrenner, Complete High School Maize, USD 266 Maize: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the 2016 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

*Be it further resolved:* That the Secretary of the Senate shall send 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored, plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1765** was adopted by voice vote.

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

SENATE RESOLUTION No. 1766—

A RESOLUTION congratulating and commending the  
Kansas recipient of the 2015 Milken Educator Award.

WHEREAS, Bill Smithyman, high school language arts teacher at Blue Valley Northwest High School, Blue Valley USD 229, has been selected as the Kansas recipient of the 2015 Milken Educator Award. He will receive an unrestricted award of \$25,000, plus recognition by his community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education. By honoring

outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each year at a surprise notification held during an all-school assembly. Foundation representatives and the chief state school officer make the announcements. Bill Smithyman was one of about 40 educators around the country recognized with the award this year. By publicizing these awards, our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Bill Smithyman upon his selection as the Kansas recipient of the 2015 Milken Educator Award; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2015 Milken Educator, plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1766** was adopted by voice vote.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

**SB 334, SB 369, SB 370** be passed.

**SB 329, SB 337, SB 358, SB 390** be amended by the adoption of the committee amendments, and the bills be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 314** be amended on page 3, in line 7, by striking all after "regular"; in line 8, by striking all before "meetings"; also in line 8, after "force" by inserting ", and requesting reimbursement,"; in line 10, after "thereto" by inserting ", for no more than four meetings"; in line 20, by striking "for local and specialty crop production" and inserting "to expand production and sales of locally grown agricultural products"; in line 21, by striking all after "make"; in line 22, by striking "affordable"; in line 23, after "(3)" by inserting "identification of factors affecting affordability and profitability of locally grown foods;

(4) ";

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

Committee on **Corrections and Juvenile Justice** recommends **SB 375** be amended on page 1, in line 19, by striking "and manifested during the period from birth to age 18"; in line 36, by striking all after "and";

On page 2, by striking all in line 1; in line 2, by striking "functioning" and inserting "subaverage general intellectual functioning may be established by means in addition to standardized intellectual testing"; and the bill be passed as amended.

Also, **SB 376** be amended on page 1, in line 24, after "system" by inserting ", except as provided in subsection (e)(4)";

On page 2, in line 35, after "and" by inserting "cause the information to be entered

into"; in line 36, after "center" by inserting "as soon as possible after the minimum information to make such entry is received"; and the bill be passed as amended.

Committee on **Education** recommends **SB 388** be amended on page 1, in line 9, after "(CLEP)" by inserting "and receive a credit-granting recommended score as outlined by the American council on education"; in line 11, after the second "be" by inserting "at least equivalent to"; in line 12, after "hours" by inserting "granted"; also in line 12, after the first "the" by inserting "equivalent"; also in line 12, by striking all after "institution"; in line 13, by striking all before the semicolon; in line 15, after "student" by inserting "beyond the limitations placed on such institution by such institution's regional accrediting agency"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2163**, as amended by House Committee, be amended on page 1, in line 7, by striking the first comma and inserting "or"; also in line 7, by striking all after the first "district"; in line 8, by striking all before the period; and the bill be passed as amended.

Also, **HB 2164**, as amended by House Committee, be amended on page 1, in line 7, by striking "\$25,000" and inserting "\$2,500"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 382**, **SB 405** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 423** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **CHANGE OF REFERENCE**

An objection having been made to **SB 423** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 17, 2016.

# Journal of the Senate

TWENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 17, 2016, 2:30 p.m.

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

As Your Chaplain, I'm led to say this as a prelude to the prayer today. God leads me to come to Him on behalf of all of us. And the purpose of prayer is more to bring us in line with the heart of God, than to bring God in line with our issues. So, as your Chaplain, I seek Him for the content and He doesn't lead me to do prayers of special interest. His desire is to draw us to His will and His way and show unity in diversity. So, let us pray...

Heavenly Father, teach us the wonderful principle learned by the farmer in Galatians 6:7-10...that we reap as we have sown. What is put in the dirt is what sprouts. Like a tiny seed can influence the nature and greatness of the harvest, the influence of planting a little goodness can determine the nature and greatness of the end result. Whereas the planting of a little ugliness will be reflected in the DNA of the outcome. Lord, we know that there are times when we do have to fight...when we have to battle for what we believe in. But once we've gotten our point across, make it plain to us when to declare a cease fire. Don't let our scuffles turn into all-out war. So, when attitudes or actions or even the atmosphere gets dirty or ugly, remind us that dirt is where quality seeds tend to prosper. So, show us how to sow that which is clean and beautiful, remembering that what we put in, is what we're going to get. And as the farmer is patient, knowing that the return comes later and is greater than what was invested, encourage us along the same premise...that if we put in just a little...a little joy...a little smile...if we give someone just a little hope, the reward we reap, may come later, but it will be greater. In conclusion Lord, help us show Your love for one another, even when we don't like what they're doing. In Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

## **POINT OF PERSONAL PRIVILEGE**

Senator Lynn rose on a Point of Personal Privilege to introduce seven high school foreign exchange students serving as pages.

Students introduced included Mohammed Abumuaileq from Gaza; Erlend Brunen from Denmark; Elna Ciesielski from Germany; Reem Halaby from Egypt; Liana Karapetyan from Armenia; Estu Pawestri from Indonesia and Olha Ter-Vartanova from Ukraine.

Senators honored the students with a standing ovation.

**POINT OF PERSONAL PRIVILEGE**

Senator Tyson rose on a Point of Personal Privilege to congratulate the Plaza Cinema in Ottawa, Kansas, which has been projecting motion pictures since 1905, five years before Hollywood was founded. Currently, they are working to certify the Plaza for the Guinness Book of World Records as being the world's oldest movie theater in continuous use.

Guests introduced were Peach Madl, Executive Director; Scott Zaremba, Peggy Armstrong, Bill Shaffer, Kristi Lee, Jeanny Sharp, Deborah Barker and Richard Wellman.

Senators honored the guests with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 461**, AN ACT concerning the attorney general; relating to duties to investigate and prosecute; law enforcement officers, by Committee on Federal and State Affairs.

**SB 462**, AN ACT concerning regulation of drones; dealing with private property rights, by Committee on Federal and State Affairs.

**SB 463**, AN ACT concerning funds in the state treasury; abolishing the expanded lottery act revenues fund, the Kansas endowment for youth fund, the children's initiatives fund and the state economic development initiatives fund; duties of the Kansas children's cabinet; transfers to the state general fund; amending K.S.A. 2-226, 38-2101, 38-2102 and 38-2103 and K.S.A. 2015 Supp. 12-5256, 38-1901, 74-8316, 74-8734, 74-8738, 74-8744, 74-8747, 74-8766, 74-8768, 76-7,141, 79-34,157, 79-3620, 79-3710, 79-4803 and 79-4804 and repealing the existing sections; also repealing K.S.A. 38-2104 and 38-2105 and K.S.A. 2015 Supp. 74-50,151, by Committee on Ways and Means.

**SB 464**, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the system for classification of high schools; amending K.S.A. 2015 Supp. 72-130 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 465**, AN ACT concerning certain controlled substances; amending K.S.A. 2015 Supp. 65-2837a and repealing the existing section, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SCR 1612**.

Federal and State Affairs: **SB 458**, **SB 459**.

Ways and Means: **SB 460**.

**CHANGE OF REFERENCE**

The President withdrew **S Sub HB 2059** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Natural Resources**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2062, Sub HB 2289; HB 2454, HB 2456, HB 2480, HB 2490, HB 2518, HB 2547.**

Announcing passage of **SB 247.**

The House adopts the Conference Committee report on **H Sub SB 161.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2062, Sub HB 2289; HB 2454, HB 2456, HB 2480, HB 2490, HB 2518, HB 2547** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Pettey, Fitzgerald and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1767—

A RESOLUTION congratulating Dr. Cynthia Lane  
on being named Kansas Superintendent of the Year.

WHEREAS, Dr. Cynthia Lane was named Kansas Superintendent of the Year by the Kansas School Superintendents' Association; and

WHEREAS, G. A. Buie, executive director of the Kansas School Superintendents' Association said: "Dr. Lane is a passionate advocate not only in her district, but for students across Kansas. She has demonstrated a clear commitment to preparing students for success by partnering with the Kansas City community to work to provide the best possible education for all children"; and

WHEREAS, Dr. Lane is superintendent of the Kansas City, Kansas Public Schools (KCKPS), which serves 22,000 students in Kansas City, Kansas; and

WHEREAS, The KCKPS serves 22,000 students preK through 12<sup>th</sup> grade, almost 90% of whom qualify for free or reduced lunch. The district's focus is on college and career preparation for each student. The Diploma+ program, which began in 2014, has established the goal of graduating each student with a high school diploma, along with at least one of the following: At least one year of college completed; a technical degree or credential; or at least a 21 on the ACT; and

WHEREAS, Candidates for Superintendent of the Year are assessed according to their professionalism, communication, community involvement and leadership in meeting the needs of students; and

WHEREAS, Dr. Lane has worked in education for more than 30 years, including the last 14 as an administrator in the Kansas City District, having served as an Assistant Superintendent, Director of Special Education, Associate Director of Special Education and a building principal, after beginning her career as a teacher; and

WHEREAS, Dr. Lane is a member of the American Association of School Administrators, the Kansas-Missouri Superintendent Forum and the Kansas Department of Education Assessment Advisory Committee; chairs the Kansas School Superintendents' Association legislative committee; has been extremely active with the United School Administrators of Kansas, where she was recently honored with a USA| Kansas Outstanding Service Award; and began her leadership career as a member of the Kansas Association of Special Education Administrators; and

WHEREAS, Dr. Lane is actively engaged in the community, serving as a board member on the Kansas City, Kansas Chamber of Commerce, Parents and Child Empowerment Services and the Country Club Bank Advisory Board: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Dr. Cynthia Lane on being named Kansas Superintendent of the Year. We thank her for her great service to the students of Kansas, and we extend our best wishes for her success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1767** was adopted by voice vote.

Guests introduced were Dr. Cynthia Lane, Brenda Jones, Dr. Evelyn Hill, Janet Waugh and Bill Reardon.

Senators honored Dr. Lane and guests with a standing ovation.

### CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, Senate President and Senate Minority Leader to the Senate for confirmation were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committees on Assessment and Taxation, Commerce and Ways and Means.

*By the Senate Minority Leader*

On the appointment to the:

*Kansas Bioscience Authority:*

Ken Buchele, Term ends March 15, 2018

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

James (Jay) Cooper, Term ends January 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Senate President*

On the appointment to the:

*Kansas Bioscience Authority:*

Pat George, Term ends March 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Employment Security Board of Review:*

Valorie Jacobs, Term ends March 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Administration:*

Sarah Shipman, At the pleasure of the governor

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Hensley, Kelly.

Present and Passing: O'Donnell.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Devin Sprecker, Term ends January 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 325**, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered for final action.

**SB 325**, AN ACT concerning the revised Kansas code for care of children; relating to child in need of care files; prosecutor access; amending K.S.A. 2015 Supp. 38-2211 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 329**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2015 Supp. 82a-708c and 82a-736 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 334**, AN ACT concerning the attorney general; relating to notice and opportunity to appear or intervene before statute or constitutional provision declared invalid or unconstitutional; amending K.S.A. 60-1712 and K.S.A. 2015 Supp. 60-224 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 337**, AN ACT concerning water; relating to the water appropriation act; annual water use report; amending K.S.A. 2015 Supp. 82a-732 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed, as amended.

**SB 358**, AN ACT concerning the nurse educator service scholarship; relating to the definition of school of nursing; amending K.S.A. 2015 Supp. 74-32,220 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 369**, AN ACT concerning the Kansas mortgage business act; relating to the state bank commissioner; amending K.S.A. 9-2206 and K.S.A. 2015 Supp. 9-2201, 9-2202, 9-2203, 9-2205, 9-2208, 9-2209, 9-2211, 9-2212, 9-2216 and 9-2216a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 370**, AN ACT concerning insurance; relating to the payment of certain insurance proceeds; cities and counties; amending K.S.A. 40-3901, 40-3902, 40-3903, 40-3904, 40-3905 and 40-3907 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 390**, AN ACT concerning the state banking code; relating to the state bank commissioner; amending K.S.A. 2015 Supp. 9-519, 9-534, 9-701, 9-801, 9-802, 9-803, 9-804, 9-808, 9-809, 9-811, 9-812, 9-814, 9-815, 9-816, 9-901a, 9-902, 9-903, 9-904, 9-906, 9-907, 9-1101, 9-1102, 9-1104, 9-1111, 9-1112, 9-1114, 9-1122, 9-1124, 9-1127c, 9-1130, 9-1137, 9-1213, 9-1304, 9-1401, 9-1402, 9-1405, 9-1408, 9-1504, 9-1506, 9-1601, 9-1607, 9-1609, 9-1611, 9-1704, 9-1712, 9-1715, 9-1720, 9-1721, 9-1722, 9-1724, 9-1807, 9-1902, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-1915, 9-

2007, 9-2101, 9-2104, 9-2107 and 9-2108 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Abrams the following report was adopted:

**SB 352** be passed.

The committee report recommending **Sub SB 323** be adopted, and the substitute bill be passed.

**SB 361** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**SB 395** be amended by motion of Senator Knox: on page 1, by striking all in lines 16 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 31; in line 32, by striking "46-137e,"; also in line 32, by striking all after "46-157"; in line 33, by striking all before "hereby" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all before "amending"; also in line 2, by striking "46-137e,"; also in line 2, by striking all after "46-157"; in line 3, by striking all before the second "and"; in line 4, by striking "sections" and inserting "section", and **SB 395** passed as amended.

Senator Olson moved **SB 395** be rereferred to the Committee on **Judiciary**. The motion failed.

A motion by Senator Francisco to amend **SB 395** failed.

**S Sub HB 2056** was passed over and retained a place on the calendar.

On motion of Senator Bruce, the Senate recessed until 5:15 p.m.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161** 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 4, following line 34, by inserting:

"Litigation expenditures.....\$50,000";

On page 6, by striking all in lines 39 through 43;

On page 7, following line 16, by inserting:

"Sec. 27.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the state general fund.

Sec. 28.

STATE CORPORATION COMMISSION

(a) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the state general fund.";

On page 10, following line 30, by inserting:

"(g) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except for refunding of existing bonds in Wyandotte county: *Provided however*; That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A claw-back provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the above agency's authority to approve substantial changes to the project; (8) an evaluation of the practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.";

On page 11, following line 15, by inserting:

"(f) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except

for refunding of existing bonds in Wyandotte county: *Provided however*, That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A claw-back provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the above agency's authority to approve substantial changes to the project; (8) an evaluation of the practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 or 2017 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.";

On page 14, by striking all in lines 23 through 30;

On page 15, by striking all in lines 4 through 11;

On page 16, by striking all in lines 12 through 38;

On page 22, following line 14, by inserting:

"(f) In addition to the other purposes for which expenditures may be made by the Kansas children's cabinet from the children's cabinet administration account of the Kansas endowment for youth fund for fiscal year 2017 by section 111(d) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the Kansas children's cabinet from the children's cabinet administration account for fiscal year 2017, to determine which state agency shall be the administrative authority for the programs and services funded by the CIF grants account of the children's initiatives fund during the fiscal year ending June 30, 2017: *Provided*, That if the Kansas children's cabinet determines that the administrative authority for any such program or service is different than the administrative authority for such program or service in fiscal year 2016, the Kansas children's cabinet shall certify such change to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of the budget shall direct the director of accounts and reports to create a new account in the children's initiatives fund in the newly appointed administrative authority and transfer any moneys authorized to be expended on such program or service during fiscal year 2017 from the CIF grants account of the children's initiatives fund to the newly created account of the children's initiatives fund: *Provided however*, That the provisions of this subsection shall not apply to the infants and toddlers program of the department of health and environment – division of public health.";

On page 25, following line 29, by inserting:

"(c) On July 1, 2016, of the \$101,798,358 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 127(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the operating expenditures (including

official hospitality) account, the sum of \$6,215,861 is hereby lapsed.

(d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Salina, college of technology.....\$6,215,861";

On page 27, in line 43, after "(a)" by inserting "There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Geological survey (682-00-1000-0170).....\$100,000

(b) ";

On page 28, in line 17, after "(a)" by inserting "There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Geological survey (682-00-1000-0170).....\$100,000

(b) ";

On page 30, following line 14, by inserting:

"Evidence based juvenile programs.....2,000,000";

Also on page 30, in line 29, by striking "\$673,000" and inserting "\$2,673,000"; by striking all in lines 35 through 43;

On page 31, by striking all in lines 1 through 5;

On page 46, following line 32, by inserting:

"Sec. 101. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal years ending June 30, 2016, or June 30, 2017, as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, to include in the health care compact, pursuant to K.S.A. 2015 Supp. 65-6230, and amendments thereto, the administration of medicare (42 U.S.C. § 1395 et seq.) unless the Kansas legislature passes legislation and such legislation is enacted into law specifically authorizing inclusion of the medicare program in such compact.

Sec. 102. (a) During the fiscal year ending June 30, 2017, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund for fiscal year 2017 as authorized by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to issue additional state obligations payable from the state general fund if the resulting annual debt service for all state obligations payable from the state general fund exceeds the limitation imposed by this section. The maximum annual debt service in fiscal year 2017 on state obligations payable from the state general fund may not exceed an amount equal to 4% of the average of state general fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state obligations, for the immediately preceding three fiscal years. Such amount shall be determined by the director of the budget in consultation with the director of legislative research.

(b) For the purposes of this section, "state obligations payable from the state general fund" means obligations, including, but not limited to, bonds and lease-purchase agreements in a principal amount greater than \$250,000, which are authorized or reasonably expected to be repaid by appropriations from the state general fund. "State obligations payable from the state general fund" shall not include obligations with

respect to which the state director of the budget certifies are reasonably expected to be paid from sources other than the state general fund.

Sec. 103. During the fiscal year ending June 30, 2017, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 as authorized by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to issue bonds or other obligations in a principal amount greater than \$5,000,000 issued to finance or refinance activities and projects of such state agency, using any entity other than the Kansas development finance authority in accordance with the provisions of K.S.A. 74-8901 et seq., and amendments thereto.

Sec. 104. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by this act or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast

Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal years 2016 and 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2015 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 175(b) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.";

On page 55, in line 30, by striking "97" and inserting "98"; in line 42, by striking "97" and inserting "98";

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

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

RON RYCKMAN, JR.

SHARON SCHWARTZ

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

Senator Masterson moved the Senate adopt the Conference Committee Report on **H Sub SB 161**.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle.

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Olson, Pettey, Pyle, V. Schmidt, Tyson, Wolf.

Present and Passing: Wilborn.

Absent or Not Voting: Hawk.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **H Sub SB 161**. If a budget is a statement of priorities and values it is clear that the majority of Senators do not value K-12 education, public employees or the long-term fiscal stability of the state. This budget epitomizes Kansas' fiscal mismanagement caused by a reckless and irresponsible tax policy. As a result of this policy, critical services have been cut year after year – and this budget is no different. This budget is shored up by using one-time fund transfers that create an unstable fiscal environment and an insufficient ending balance. Additionally, this budget uses our state employee retirement system as a credit card to make it balance and it destroys the Parents as Teachers program, despite hearing testimony and pleas from countless Kansans to the contrary. I'm voting "No" on this budget bill because Kansans deserve better.—ANTHONY HENSLEY

Senators Faust-Goudeau, Francisco, Haley, Holland, Kelly and Pettey request the record show that they concur with the "Explanation of Vote" offered by Senator Hensley on **H Sub SB 161**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 392** be passed.

Committee on **Public Health and Welfare** recommends **SB 363** be passed.

Committee on **Transportation** recommends **SB 335** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 335," as follows:

"Substitute for SENATE BILL No. 335"

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to vehicle registration, fees; creating the Kansas highway patrol staffing and training fund; law enforcement training center fund; amending K.S.A. 2015 Supp. 8-145 and repealing the existing section.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 18, 2016.

# Journal of the Senate

TWENTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 18, 2016, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Petersen was excused.

Vice President King introduced guest chaplain, Pastor Andy Addis, Crosspoint Church, Hutchinson, Kansas, who delivered the invocation:

Oh Lord, our God. We are a people who have been blessed so much, we often forget the greatness of the gifts You have lavished upon us: freedom, security, wealth, knowledge and comfort. We ask You to continue to lead us and teach us, just as Your disciples asked our Lord to teach them how to pray:

“Our Father in heaven, hallowed be Your name” – We are thankful for our leaders, the process of law and the beautifully complex gift of democracy. But, we acknowledge here and now that whomever holds the position or office, You are still on the throne of eternity. “Your kingdom come, Your will be done, on earth as it is in heaven” – Many are the plans that we have to be good stewards of resources You have provided. We desire to do well with the riches of the earth. We yearn for wisdom in how to care for our children. We desperately seek judicious paths in the administration of the affairs of the day. But, we seek Your will not ours. Let these leaders be of one mind, one heart and one will as we submit to You, the greatest of all legislators. “Give us this day our daily bread” – caring for those who cannot care for themselves is a noble calling You have placed on all those in authority. Preparing for the uncertainties of the future by dealing wisely with our resources today, an arduous task. And, counting the costs of governmental decision making is by no means a small matter. But, we remember what we need most is our daily bread. Give these leaders today, the insight to see what can only be seen with your eyes. Give them the stamina to remain unwavering on the side of love, mercy and justice as instruments of Your hand. And, give them courage to be the ones who make a difference. This is the daily bread we desire. “And forgive us our debts, as we also have forgiven our debtors” – Father, being human is hard. We have wounded one another and felt the sting of sticks and stones ourselves. We have been on the receiving end of difficult words, looks and intentions, and we have at times even volleyed some in return. We have grieved Your heart, because each of us, sending and receiving these bruises, have been made in Your image. Forgive us. The task before us is too great to wallow amid the muck and mire of conflict. We need Your forgiveness and we need You to show us how to forgive one another as well as be forgiven. “And lead us not into temptation, but deliver us from evil” – The world today seems fraught with danger. We are constantly aware of new concerns, scares and hazards. The

consequences of the universal rebellion of humanity have come home to roost, and we are now the victims of our own decay. We need Your protection, guidance and deliverance, now more than ever Oh Heavenly Father! Give these leaders the protection they need so they might help orchestrate the protection we must have. Give them the guidance required, so that they might guide the rest of us. And, Father deliver them from any fear, addiction, control or circumstance, that they might be useful vessels in delivering us, the people of Kansas, in these treacherous times. I pray for these men and women that do what You have already shown us is the better way. That they would do justice, love mercy and walk humbly with You our God. In the name of our Lord and Savior Jesus Christ I pray. Amen

The Pledge of Allegiance was led by Vice President King.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 466**, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic battery; amending K.S.A. 2015 Supp. 21-5414 and repealing the existing section, by Committee on Ways and Means.

**SB 467**, AN ACT concerning attorneys; relating to advertising, by Committee on Ways and Means.

**SB 468**, AN ACT concerning alcoholic beverages; authorizing the creation of entertainment districts and consumption of alcoholic beverages therein; amending K.S.A. 2015 Supp. 41-719 and repealing the existing section, by Committee on Ways and Means.

**SB 469**, AN ACT concerning public employees; relating to the professional negotiations act; relating to recertification of exclusive representation in professional negotiations; amending K.S.A. 72-5416, 72-5417 and 72-5418 and K.S.A. 2015 Supp. 72-5432 and repealing the existing sections; also repealing K.S.A. 72-5419, by Committee on Ways and Means.

**SB 470**, AN ACT concerning institutions of higher education; establishing an intercollegiate adaptive sport grant program for students with disabilities; relating to the state board of regents; authorizing income tax contributions; creating the intercollegiate adaptive sport contribution program fund; making and concerning appropriations for the fiscal year ending June 30, 2017, by Committee on Ways and Means.

**SB 471**, AN ACT concerning elections; relating to advance voting; indication of citizenship to be placed on driver's licenses and nondriver identification cards; amending K.S.A. 2015 Supp. 8-243, 8-1328, 25-1122, 25-1124 and 25-2352 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 472**, AN ACT concerning discrimination; relating to family caregivers; amending K.S.A. 44-1001 and 44-1009 and K.S.A. 2015 Supp. 44-1002 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 473**, AN ACT concerning agriculture; relating to chemigation permits; fees; amending K.S.A. 2015 Supp. 2-3304 and repealing the existing section, by Committee on Ways and Means.

**SB 474**, AN ACT concerning the Kansas bioscience authority; delegating authority to the state finance council to oversee any sale of the Kansas bioscience authority or

substantially all of the authority's assets; amending K.S.A. 2015 Supp. 74-99b15 and repealing the existing section, by Committee on Ways and Means.

**SB 475**, AN ACT concerning public construction contracts; relating to performance and payment bonds; Kansas fairness in public construction contract act, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2480**.

Corrections and Juvenile Justice: **SB 461**.

Education: **SB 464**.

Federal and State Affairs: **SB 462**.

Financial Institutions and Insurance: **HB 2454**.

Judiciary: **Sub HB 2062, Sub HB 2289**.

Natural Resources: **HB 2490, HB 2547**.

Public Health and Welfare: **SB 465; HB 2456, HB 2518**.

Ways and Means: **SB 463**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1768—

A RESOLUTION honoring the life and memory of Andrea Burton

WHEREAS, Andrea Burton, who worked for the Kansas Historical Society as coordinator of the Capitol Visitor Center for 10 years, passed away on October 27, 2015, at the age of 48, peacefully at her home after a battle with melanoma; and

WHEREAS, Andrea was born in Youngstown, Ohio on August 14, 1967. She attended Youngstown State University, where she graduated with a bachelor's degree in sociology in 1989. She then attended Kent State and graduated with a master's degree in sociology. While working towards her bachelor's degree, she met the love of her life, Russell Patrick Douglas Burton, and they were married on August 15, 1992, in Youngstown, Ohio; and

WHEREAS, At her job interview, Andrea brought a mock-up of the activity sheet, "I am a fan of the Capitol," which could be turned into a hand-held fan. It continues to be popular with thousands of young visitors to the Capitol who use it to record highlights of their visit; and

WHEREAS, Andrea's first office was a very small room under the stairs. Her Tour Center was a busy desk on the first floor. It was from these humble beginnings that Andrea and her staff progressed to give tours to 30,000 visitors, annually; and

WHEREAS, Andrea loved the Capitol, pre-restoration, mid-restoration and post-restoration, and would not hesitate to tell anyone. Different wings of the building were

closed for years at a time, which made for some creative tour modifications. The construction was always very loud and extremely dusty, but she never complained; and

WHEREAS, One of Andrea's proudest achievements was being able to reopen the Capitol dome for public tours on January 23, 2006, for the first time in over 30 years. Andrea loved bringing people to the top of the dome. She loved climbing the 296 steps and then stepping outside to take in the view; and

WHEREAS, Andrea never met a visitor or tour group she did not like. She would willingly take one person on tour as well as 100; and

WHEREAS, The opening of the renovated Capitol in January 2014 increased attendance three-fold. Today, 90,000 people annually enjoy historic and dome tours; and

WHEREAS, The new Capitol Visitor Center provided Andrea with a real office and workroom, an auditorium, a classroom and exhibits that tell the story of Kansas people, places, the building and state government. She used these spaces to make the visitor experience better; and

WHEREAS, Andrea's work ethic inspired everyone, including her dedicated staff and loyal volunteers; and

WHEREAS, On October 27, 2015, Andrea went the 296 steps and beyond. In the Capitol dome, whether viewed from inside or from the ground level, Andrea's spirit will live on forever: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor the life and memory of Andrea Burton and extend our deepest sympathy to her family and friends; and

*Be it further resolved:* That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1768** was adopted by voice vote.

Guests introduced were Dr. Russell Burton, Brianna Burton, Benjamin Burton, Zoie Burton, Gena Burton, Ruth Little, Ed Rakocy, Paula Rakocy, Bob Higgins, Jeannette Simonson, Altaire Simonson, Celeste Simonson, Mary Madden, Tonya Brown, Darren Wade, Joe Brentano and Jamaikah Phillips.

Senators honored the guests with a standing ovation.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2441, HB 2442, HB 2536.**

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2441, HB 2442, HB 2536** were thereupon introduced and read by title.

#### **STRICKEN FROM THE CALENDAR**

On motion of Senator Bruce the following bills were stricken from the calendar: **SB 20, SB 26, SB 30, SB 32, SB 104, SB 140, SB 219, SB 232, SB 283 and SB 301.**

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 323**, AN ACT concerning school districts; creating the Jason Flatt act; requiring suicide prevention training for school district personnel, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Knox.

Absent or Not Voting: Petersen.

The bill passed.

**SB 352**, AN ACT concerning real estate; relating to licensing requirements for nonresidents; amending K.S.A. 58-3040 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed.

**SB 361**, AN ACT concerning the open records act; relating to definitions; public agency and public record; amending K.S.A. 2015 Supp. 45-217 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

**SB 395**, AN ACT concerning the legislature; relating to regular sessions; amending K.S.A. 46-157 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 11; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Haley, Hensley, Holland, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Powell, V. Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Baumgardner, Fitzgerald, Holmes, Kelly, Knox, Melcher, Olson, Pettey, Pilcher-Cook, Smith.

Present and Passing: Francisco, Hawk, Pyle.

Absent or Not Voting: Petersen.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "Pass" on **SB 395**. This bill addresses the length of our legislative sessions, an issue over which the legislature already has control. I would ask

that we challenge ourselves to meet these proposed deadlines, and if we are able to do that during the next four-year session, consider putting them into statute, taking advantage of the opportunity to model efficient behavior before making it a requirement of others. I also believe that the change should include consideration of the allowance that covers expenses incurred when we are not receiving legislative pay for time that we are not in session.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 395**.

Mr. Vice President: Last year underscored, the 2015 Legislature, with its record 114 days and deplorable, yet still rushed, results in passing the highest tax increase in Kansas history, glaringly showed to all Kansans that our Legislative leadership is in dire need of adult supervision. Regrettably, we obviously need iron clad parameters; statutory guidelines to get things done timely and efficiently around here. In 2015 alone, not doing so cost the taxpayers an additional \$1,000,000 for this process. Shameful. Mr. Vice President, I applaud you for bringing this bill forward and supporting its passage, AS AMENDED. I actually introduced the identical measure way back in 2013, **SB 180**, which, had the Legislature acted on it, would have saved Kansas taxpayers (including last year's \$1,000,000) over \$3,000,000 to date. As much as I dislike having to say "I tried to tell you so..." Mr. Vice President but, well, I did try to tell you so. Congratulations to the future though. Again, I am proud to vote "Aye" on **SB 395**.—DAVID HALEY

Mr Vice President: **SB 395** is simply not necessary. Our Chair of Ways and Means expressed no interest in a 100 day session on budget years. The Legislature is inherently interested in making each session as short as possible with our ongoing efforts with public perception. As demonstrated by the current year, we are perfectly capable of making a shorter session without special legislation. Additionally, this bill will allow a minority of only one-third of the body to end a difficult session, thereby forcing us into a special session that would be just as difficult as a regular session. **SB 395** unnecessarily complicates a system that has worked well. Let's not fix something that isn't broken. I vote "No."—MITCH HOLMES

Senators Fitzgerald, Kelly, Olson, Pettey and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **SB 395**.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Knox the following report was adopted:

**SB 314**, **SB 375**, **SB 376** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 423** be amended by motion of Senator Arpke: on page 1, in line 14, by striking "polytechnic" and inserting "university polytechnic campus"; in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 2, in line 36, by striking "polytechnic" and inserting "university polytechnic campus";

On page 3, in line 13, by striking "polytechnic" and inserting "university polytechnic campus"; in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 4, in line 6, by striking "polytechnic" and inserting "university polytechnic campus"; in line 8, by striking "Polytechnic" and inserting "University Polytechnic Campus"; in line 20, by striking "polytechnic" and inserting "university polytechnic campus"; in line 29, by striking "polytechnic" and inserting "university polytechnic campus"; in line 37, by striking "polytechnic" and inserting "university polytechnic campus";

On page 5, in line 30, by striking "polytechnic" and inserting "university polytechnic campus";

On page 6, in line 15, by striking "polytechnic" and inserting "university polytechnic campus";

On page 7, in line 18, by striking "polytechnic" and inserting "university polytechnic campus";

On page 8, in line 15, by striking "polytechnic" and inserting "university polytechnic campus"; in line 26, by striking "polytechnic" and inserting "university polytechnic campus"; in line 33, by striking "polytechnic" and inserting "university polytechnic campus"; in line 41, by striking "polytechnic" and inserting "university polytechnic campus";

On page 9, in line 4, by striking "polytechnic" and inserting "university polytechnic campus"; in line 22, by striking "polytechnic" and inserting "university polytechnic campus";

On page 1, in the title, in line 2, by striking "polytechnic" and inserting "university polytechnic campus", and **SB 423** be passed as amended.

**SB 372** be amended by the adoption of the committee amendments, be further amended by motion of Senator O'Donnell: on page 4, in line 23, by striking "(E)" and inserting "(D)";

On page 6, in line 12, by striking "24" and inserting "12"; in line 16, by striking "36-month" and inserting "24-month".

**SB 372** be further amended by motion of Senator O'Donnell: on page 8, in line 35, by striking all after the period; by striking all in line 36; in line 37, by striking all before "No"; in line 39, by striking all after the period; by striking all in lines 40 through 43.

**SB 372** be further amended by motion of Senator Kelly: on page 1, following line 10, by inserting:

"New Section 1. If on September 30 of any year the balance of the temporary assistance to needy families federal fund account exceeds \$25,000,000, the Kansas department for children and families shall return any unencumbered amount in such account exceeding \$25,000,000 to the United States department of health and human services for return to the federal treasury. The secretary for children and families shall not transfer funds from the TANF account to another special revenue fund to circumvent the provisions of this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after the third semicolon by inserting "use and return of federal TANF funds;"

A motion by Senator Hensley to amend **SB 372** failed.

A motion by Senator Haley to amend **SB 372** failed and the following amendment

was rejected: on page 7, in line 42, by striking all after "(13)"; by striking all in line 43;

On page 8, by striking all in lines 1 through 21; in line 22, by striking "(14)";

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

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

On roll call, the vote was: Yeas 3; Nays 31; Present and Passing 4; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Hawk, Holland, Kelly, Pettey.

Absent or Not Voting: Hensley, Petersen.

#### EXPLANATION OF VOTE

Mr. Chair: I offer and proudly vote "Aye" on this amendment on **SB 372**, allowing drug felons to receive food assistance. Of the laundry list of ex-felons (including serial killers, murderers, rapists, sex offenders, forgers, arsonists, insurance frauds, grand theft, etc.), it makes no sense to pick ONLY one crime, drug offenses, to punish solely to prohibit from food stamp assistance. No one has been able to in any way answer "What is the correlation?" What is the public utility served by saying if a person has a drug felony they deserve no help to eat? For MY taxpayer dollars, I would prefer to prohibit Ponzi-schemers or farm subsidy defrauders, as but two examples, from public assistance. Aye for former drug offenders to join every other known felon, (which IS currently allowed), to apply to eat.—DAVID HALEY

An amendment was offered by Senator Pettey. A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment not germane, and **SB 372** be passed as further amended.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 314**, **SB 372**, **SB 375**, **SB 376** and **SB 423** were advanced to Final Action and roll call.

**SB 314**, AN ACT concerning the local food and farm task force; extending the expiration date; amending K.S.A. 2015 Supp. 2-3805 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

Absent or Not Voting: Petersen.

The bill passed, as amended.

**SB 372**, AN ACT concerning public assistance; relating to recovery of assistance debt; verification of identity and income; fraud investigations; child care subsidies; work requirements; lifetime benefit limits; use and return of federal TANF funds; amending K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Absent or Not Voting: Petersen.

The bill passed, as amended.

**SB 375**, AN ACT concerning intellectual disability; relating to the definition of significantly subaverage general intellectual functioning; amending K.S.A. 2015 Supp. 76-12b01 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

**SB 376**, AN ACT concerning law enforcement agencies; relating to reports of missing persons; amending K.S.A. 2015 Supp. 75-712c and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

**SB 423**, AN ACT concerning postsecondary education; redesignating Kansas state university - Salina, college of technology as Kansas state university polytechnic campus; amending K.S.A. 74-3209, 74-3229, 76-205, 76-213, 76-220, 76-221, 76-222, 76-223, 76-751 and 76-754 and K.S.A. 2015 Supp. 76-156a, 76-756 and 76-7,126 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Willborn, Wolf.

Absent or Not Voting: Petersen.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 366** be passed.

Also, **SB 338** be amended on page 1, in line 29, by striking all after "municipality"; in line 30, by striking all before the period; in line 33, by striking all before "sanitary";

On page 2, in line 5, after "regulations" by inserting "which constitute a health or safety threat"; in line 7, by striking "and"; in line 8, after "housing" by inserting "and has been in existence for a period of three years or more"; in line 24, by striking all after "including"; in line 25, by striking "open space,"; in line 31, by striking "12-1756e" and inserting "12-1756d"; in line 42, by striking "and";

On page 3, in line 5, by striking "12-"; in line 6, by striking "1756e" and inserting "12-1756d"; also in line 6, after "thereto" by inserting "; and

(E) the governing body of the city filing the petition under this section has formally approved the filing of the petition";

Also on page 3, in line 15, by striking "two" and inserting "three"; in line 18, after "longer" by inserting "and efforts by the city to remedy the code violations"; also in line 18, by striking "and"; in line 20, after "actions" by inserting "; and

(E) the history of actions taken by other governmental entities regarding the property, including, but not limited to, tax liens or bankruptcy proceedings";

Also on page 3, in line 32, by striking all after "period"; in line 33, by striking all before the period; in line 38, after the period by inserting "In no case shall the defendant's affirmative defense be stricken solely on the basis of delinquent property taxes.";

On page 4, in line 7, by striking "12-1756e" and inserting "12-1756d"; in line 8, by striking "shall" and inserting "may"; in line 10, by striking "The"; by striking all in line 11; in line 12, by striking all before "Whether"; in line 16, after "(g)" by inserting "(1)"; also in line 16, after "days" by inserting "nor more than 730 days"; in line 18, by striking "may" and inserting "shall"; following line 22, by inserting:

"(2) Upon a finding by the court that the property has been rehabilitated in accordance with the approved rehabilitation plan, the court shall grant the petition for quiet title. If no petition for quiet title is filed as permitted by this subsection or a petition for quiet title is filed as permitted by this subsection but the court finds that the organization that filed the petition has not rehabilitated the property in accordance with the rehabilitation plan approved by the court, the property shall immediately be sold by either the board of county commissioners or the governing body of a city in the manner prescribed for sale of property at a judicial tax foreclosure sale pursuant to K.S.A. 79-2801 et seq., and amendments thereto.";

Also on page 4, in line 23, by striking "and" and inserting a comma; also in line 23, after "12-1756a" by inserting "and 12-1756e";

On page 1, in the title, in line 3, after "sections" by inserting "; also repealing K.S.A. 2015 Supp. 12-1756e"; and the bill be passed as amended.

**SB 365** be amended on page 3, in line 22, after "thereto" by inserting ", unless the site has been enrolled into the appropriate cleanup program under such acts as applicable";

On page 5, in line 10, after "for" by inserting "assessment and cleanup actions at brownfields"; in line 11, after "for" by inserting "assessment and cleanup actions at brownfields"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 426** be passed.

Also, **SB 367** be amended on page 1, in line 23, after "(b)" by inserting "Except as provided in subsection (c)."; in line 31, by striking all after "months"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 8; in line 9, by striking all before the period; following line 9 by inserting:

"(c) There shall be no overall case length limit for a juvenile adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.";

Also on page 2, in line 34, by striking all after "program"; in line 35, by striking all before the period and inserting "as determined to be necessary based on the results of a validated risk and needs assessment";

On page 3, in line 8, after "case" by inserting ", except that there shall be no limit on cumulative detention for juvenile offenders adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony";

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

Also on page 3, in line 12, after "regulations" by inserting "by January 1, 2017,"; in line 30, after "another" by inserting "or damage to property";

On page 4, in line 18, after "juveniles" by inserting "if such clinician is available"; in line 19, by striking "may" and inserting "is needed to"; in line 31, by striking "18" and inserting "19";

On page 5, in line 14, by striking "state" and inserting "local"; in line 17, after "governor" by inserting "; and

(18) one member from a community corrections agency appointed by the governor";

On page 6, in line 1, after the semicolon by inserting "and

(C) monitor the plan from the department of corrections for the prioritization of funds pursuant to section 13(d), and amendments thereto";

Also on page 6, by striking all in lines 7 and 8;

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

On page 7, in line 9, after "on" by inserting "not less than"; by striking all in lines 11 through 14; following line 39, by inserting:

"(e) This section shall take effect on and after July 1, 2017.";

Also on page 7, in line 42, after "regulations" by inserting "by January 1, 2017,";

On page 8, in line 23, by striking "7" and inserting "6";

On page 9, in line 11, after the period by inserting "The baseline shall be calculated on the cost of incarceration and placement in fiscal year 2015."; following line 17, by inserting:

"(d) Prioritization of funds will be given to regions that demonstrate a high rate of out-of-home placement of juvenile offenders per capita that have few existing community-based alternatives.

(e) During fiscal years 2017 and 2018, the secretary of corrections shall transfer an amount not to exceed \$8,000,000 from appropriated moneys from any available special revenue fund or funds that are budgeted for the purposes of facilitating the development and implementation of new community placements in conjunction with the reduction in out-of-home placements.";

Also on page 9, in line 20, after "regulations" by inserting "by January 1, 2017,"; following line 36, by inserting:

"New Sec. 15. Juveniles who are alleged to be juvenile offenders shall have a right to a speedy trial and a right to a preliminary hearing.

New Sec. 16. The department of corrections and the Kansas juvenile justice oversight committee shall explore methods of exchanging confidential data between all parts of the juvenile justice system. Such data exchange shall be limited based on the needs of the user accessing the data. Such method of exchanging data shall take into consideration sharing data that is necessary for continuity of treatment and correctional programs, including, but not limited to, health care requirements, mental health care needs and history, substance abuse treatment and history, recommendations for emergency placement options and any other information to assist in providing proper care to the juvenile. Such data exchange will be controlled utilizing the Kansas criminal justice information system. The department of corrections is authorized to use grant funds, allocated state funds or any other accessible funding necessary to create such data exchange system. All state and local programs involved in the care of juveniles involved in the juvenile justice system or the child in need of care system shall cooperate in the development and utilization of such system.";

On page 16, in line 34, before "K.S.A." by inserting "On and after July 1, 2019,";

On page 21, in line 18, after the period by inserting "Youth residential facilities shall maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case."; in line 19, by striking "2017" and inserting "2019";

On page 23, in line 15, by striking "2017" and inserting "2019";

On page 25, in line 37, by striking "2017" and inserting "2019";

On page 28, by striking all in lines 19 through 43;

By striking all on pages 29 through 31;

On page 32, by striking all in lines 1 through 26; in line 27, by striking "2017" and inserting "2019";

On page 35, in line 6, by striking "2017" and inserting "2019";

On page 39, following line 16, by inserting:

"(cc) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this subsection shall expire on July 1, 2018.";

Also on page 39, in line 17, before "K.S.A." by inserting "On and after July 1, 2017,";

On page 45, in line 7, by striking all after "giving"; in line 8, by striking all before the first "the"; in line 13, after "another" by inserting "or damage to property"; in line 32, after "child" by inserting "or would pose a risk to public safety or property";

On page 47, following line 16, by inserting:

"(5) The notice to appear served pursuant to paragraph (1) and the complaint filed pursuant to paragraph (4) shall be provided to the juvenile in a single citation.";

On page 49, in line 13, after "others" by inserting "or damage to property";

On page 50, in line 8, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 14, after "another" by inserting "or damage to property"; in line 21, by striking "January" and inserting "July";

On page 62, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 63, in line 9, by striking "(10)"; following line 15, by inserting:

"(10) Place the juvenile in the custody of the secretary of corrections as provided in K.S.A. 2015 Supp. 38-2365, and amendments thereto. This alternative shall not be ordered with the alternative in paragraph (3) or (12). Except for mandatory drug and alcohol evaluation, when this alternative is ordered with alternatives in paragraphs (2), (4) and (9), such orders shall constitute a recommendation by the court. Requirements pertaining to child support shall apply under this alternative. The provisions of this paragraph shall expire on July 1, 2018.";

Also on page 63, in line 16, before "Upon" by inserting "(11)"; in line 22, after "another" by inserting "or damage to property";

On page 67, in line 11, by striking "(10)" and inserting "(11)"; in line 17, after "another" by inserting "or damage to property";

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

On page 71, in line 33, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 72, in line 7, after "another" by inserting "or damage to property"; in line 32, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 35, after "another" by inserting "or damage to property";

On page 73, in line 9, before "a" by inserting "a minimum term of 60 months and up to"; by striking all in lines 12 through 14; in line 15, by striking all before the period and inserting "the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 20, by striking "12" and inserting "24"; in line 21, by striking "24" and inserting "the offender reaching the age of 22 years, six"; by striking all in lines 23 through 29; in line 30, by striking all before the period and inserting "The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 32, by striking the colon; in line 33, by striking "(i)"; in line 34, by striking ", 5 or 6"; also in line 34, by striking the semicolon and inserting " .

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 18 months and up to a maximum term of 36 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(B) The serious offender II is defined as an offender adjudicated as a juvenile offender for an offense:";

Also on page 73, in line 40, after "felony" by inserting "or a nondrug severity level 5 or 6 person felony";

On page 74, in line 2, by striking "II" and inserting "III"; in line 12, by striking "III" and inserting "IV";

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

On page 77, in line 39, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 80, in line 34, by striking "department of education" and inserting "the local school district in which the juvenile offender will be residing";

On page 81, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 82, in line 43, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 83, in line 20, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 84, in line 2, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 34, by striking "January" and inserting "July";

On page 110, in line 19, by striking "38-2202,"; also in line 19, by striking "38-2304,"; also in line 19, by striking "38-2342,"; in line 20, by striking "38-2361,"; also in line 20, by striking "38-2368, 38-2369, 38-2371,"; in line 21, by striking "38-2374, 38-2375, 38-2376, 38-2377,"; in line 24, by striking "38-2343,"; also in line 24, by striking "38-2389"; in line 26, by striking all after "Supp."; in line 27, by striking all before "38-2325" and inserting "38-2304,"; also in line 27, after "38-2335," by inserting "38-2342, 38-2343, 38-2361"; in line 28, by striking "38-2365," and inserting "38-2368, 38-2369, 38-2371, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389"; following line 29, by inserting:

"Sec. 68. On and after July 1, 2018, K.S.A. 2015 Supp. 38-2365 is hereby repealed.

Sec. 69. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, 38-2232, 38-2242, 38-2243, 38-2260 and 38-2288 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "38-2255,"; and the bill be passed as amended.

**SB 374** be amended on page 1, in line 18, by striking "or entity that";

On page 3, in line 3, by striking all after "(3)"; by striking all in line 4; in line 5, by striking "(4)"; in line 38, after the period by inserting "Judges in each judicial district may provide a list of topics to be covered during the continuing education classes."; and the bill be passed as amended.

**SB 391** be amended on page 4, following line 33, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

(1) A sex offender;

(2) a violent offender;

(3) a drug offender;

(4) any person who has been required to register under out of state law or is otherwise required to be registered; and

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) "Sex offender" includes any person who:

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct,

the victim was at least 14 years of age and the offender was not more than four years older than the victim;

- (3) has been determined to be a sexually violent predator;
- (4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:
  - (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2015 Supp. 21-5511, and amendments thereto;
  - (B) criminal sodomy, as defined in ~~subsection (a)(1) of K.S.A. 21-3505(a)(1)~~, prior to its repeal, or ~~subsection (a)(1) or (a)(2) of K.S.A. 2015 Supp. 21-5504(a)(1) or (a)(2)~~, and amendments thereto;
  - (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;
  - (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or
  - (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments thereto;
- (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2015 Supp. 21-5505, and amendments thereto;
- (6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or
- (7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.
  - (c) "Sexually violent crime" means:
    - (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;
    - (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5506(a)~~, and amendments thereto;
    - (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5506(b)~~, and amendments thereto;
    - (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of K.S.A. 21-3505(a)(2) or (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) or (a)(4) of K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4)~~, and amendments thereto;
    - (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5504(b)~~, and amendments thereto;
    - (6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5508(a)~~, and amendments thereto;
    - (7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5508(b)~~, and amendments thereto;
    - (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;
    - (9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or

~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505**(b)**, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5604**(b)**, and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2015 Supp. 21-5509, and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426**(b)**, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto;

(15) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(16) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

(17) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved nonforcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4)~~ of K.S.A. 2015 Supp. 21-5405**(a)(1), (a)(2) or (a)(4)**, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsection (a)(3)~~ of K.S.A. 2015 Supp. 21-5405**(a)(3)**, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5408**(a)**, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5408(b)~~, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5426(b)~~, and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(f) "Drug offender" includes any person who, on or after July 1, 2007:

(1) Is convicted of any of the following crimes:

(A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2015 Supp. 21-5703, and amendments thereto;

(B) possession of 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, as defined in ~~subsection (a) of K.S.A. 65-7006(a)~~, prior to its repeal, ~~subsection (a) of K.S.A. 2010 Supp. 21-36a09(a)~~, prior to its transfer, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5709(a)~~, and amendments thereto;

(C) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05(a)(1)~~, prior to its transfer, or ~~subsection (a)(1) of K.S.A. 2015 Supp. 21-5705(a)(1)~~, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)~~ which occurred on or after July 1, 2009, through April 15, 2010;

(2) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose

of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more nonconsecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

(t) (1) Notwithstanding any other provision of this section, "offender" shall not include any person who is:

(A) Convicted of unlawful transmission of a visual depiction of a child, as defined

in section 1(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in section 1(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in section 2, and amendments thereto; or

(B) adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a crime defined in subsection (t)(1)(A).

(2) Notwithstanding any other provision of law, a court shall not order any person to register under the Kansas offender registration act for the offenses described in subsection (t)(1).";

Also on page 4, in line 34, by striking "is" and inserting "and 22-4902 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon, by inserting "prohibiting offender registration for such crimes; also"; in line 4, after "21-5510" by inserting "and 22-4902"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **SB 342** be amended on page 1, in line 26, after the period by inserting "For the purposes of this act, the term "operator" shall not be construed to include any school district or school district employee acting on behalf of a school district employer."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2438** be passed.

Also, **SB 277** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 277," as follows:

"Substitute for SENATE BILL No. 277

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to microbreweries; authorizing the production of hard cider; amending K.S.A. 2015 Supp. 41-102 and 41-308b and repealing the existing sections.";

And the substitute bill be passed.

**SB 326** be amended on page 1, in line 10, after "thereof" by inserting ", if, however, the licensee holds a 10% or greater ownership interest in one or more microbrewery licenses, then the aggregate number of barrels of domestic beer manufactured by all such licenses with such common ownership shall not exceed the 60,000 barrel limit"; in line 20, by striking "licensee" and inserting "premises"; also in line 20, after the comma by inserting "the sale and transfer of domestic beer to such club or drinking establishment and"; in line 23, by striking "and"; in line 24, by striking "licensee" and inserting "premises"; in line 26, after "act" by inserting "; and

(7) if the licensee holds a 10% or greater ownership interest in one or more microbrewery licenses, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licenses";

On page 2, in line 1, by striking the second "the" and inserting "any"; in line 2, after "microbrewery" by inserting "of such licensee"; and the bill be passed as amended.

**SB 379** be amended on page 4, by striking all in lines 19 through 21; in line 42, by striking ", (f)(2)";

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

Committee on **Financial Institutions and Insurance** recommends **SB 419** be passed.

Also, **SB 103** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 103," as follows:

"Substitute for SENATE BILL No. 103

By Committee on Financial Institutions and Insurance

"AN ACT concerning pharmacy benefits managers.;"

And the substitute bill be passed.

**SB 387** be amended on page 1, in line 23, after "(b)" by inserting "(1)"; in line 27, by striking "(c)" and inserting "(2)"; following line 30, by inserting:

"(3) The state bank commissioner and credit union administrator shall collaborate in order to promulgate rules and regulations affecting account holders that are consistent, other than the type of institution to which they apply.;"

And the bill be passed as amended.

**SB 438** be amended on page 1, in line 6, by striking "New"; also in line 6, before "A" by inserting "(a)"; in line 7, by striking "(a)" and inserting "(1)"; in line 8, by striking "an" and inserting "the current"; in line 10, by striking "(b)" and inserting "(2)"; following line 12, by inserting:

"(b) As used in this section, the term "group affiliated insurers" means two or more insurance companies that are under substantially the same management or financial control.

(c) When a policy of insurance is renewed by an insurer within the same group of affiliated insurers, notice of the change of the policy to the affiliated company shall be provided to the insured at the last known address and made available to the agent of record on or before 30 days before the end of the term or period of the existing policy of insurance. Such notice may be satisfied by delivery of the new policy to the insured.;"

Also on page 1, by striking all in lines 13 through 18;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking all after "renewals"; in line 3, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 362, SB 393, SB 407, SB 415, SB 418, SB 454** be passed.

Also, **SB 408** be amended on page 2, in line 33, by striking all after "services"; in line 34, by striking all before "shall";

On page 4, in line 4, by striking "or the Kansas department for children and families"; in line 5, by striking "either"; in line 6, by striking the first "department" and inserting "the Kansas department for aging and disability services or the Kansas department for children and families.;" in line 40, by striking "investigation" and inserting "review";

On page 5, in line 11, after "conducted" by inserting "by a law enforcement agency"; in line 14, after "conducted" by inserting "by a law enforcement agency"; in line 24, by striking "confirmed" and inserting "substantiated or affirmed"; in line 25, by striking "adults" and inserting "persons"; in line 27, by striking "adults" and inserting "persons"; in line 38, by striking "confirmation" and inserting "substantiation"; in line 39, by striking "confirmed" and inserting "substantiated"; and the bill be passed as amended.

**SB 410** be amended on page 1, in line 6, by striking "shall" and inserting "is authorized to"; also in line 6, by striking "special"; in line 29, by striking all after "(c)"; by striking all in lines 30 through 32; in line 33, by striking "(d)"; in line 36, by striking "shall" and inserting "may";

On page 2, in line 20, after "for" by inserting "actual"; in line 23, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 34, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 37, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 42, by striking "CARE family" and inserting "juvenile out-of-home placement"; in line 43, after the first "for" by inserting "actual";

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

**SB 453** be amended on page 1, in line 10, by striking the first hyphen and inserting "through"; also in line 10, by striking the second hyphen and inserting "through";

On page 2, in line 5, by striking all after "(A)"; by striking all in lines 6 and 7; in line 8, by striking all before the semicolon and inserting "Comply with the provisions of K.S.A. 21-6609, and amendments thereto"; in line 11, by striking "community corrections" and inserting "parole"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 330** be amended on page 1, in line 5, by striking the colon and inserting a comma; in line 6, by striking "(1)"; in line 7, by striking "; and"; by striking all in line 8; in line 9, by striking all before the period; in line 10, before "program" by inserting "conservation reserve enhancement"; also in line 10, after "program" by inserting "(CREP)"; in line 14, by striking all before the period and inserting "CREP"; in line 19, by striking "the program" and inserting "CREP"; in line 20, after the period by inserting "All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by the secretary's designee."; in line 23, by striking "the program" and inserting "CREP";

On page 2, in line 1, by striking all after "(g)"; by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting:

"The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to ½ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved;

(4) no whole-field enrollments shall be accepted into a CREP established for water

quality purposes; and

(5) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP.

(h) (1) For a CREP established with the purpose of meeting water quantity goals, the division shall administer such CREP in accordance with the following additional criteria:

(A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and

(B) only water rights in good standing are eligible for inclusion under CREP.

(2) To be a water right in good standing:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture;

(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources, shall not have: (i) Exceeded the maximum annual quantity authorized to be diverted; and (ii) been the subject of enforcement sanctions by the division of water resources; and

(C) the water right holder has submitted the required annual water use report required under K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

(i) (1) The Kansas department of agriculture shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of each annual regular session of the legislature which shall contain a description of program activities for each CREP administered in the state and shall include:

(A) The acreage enrolled in CREP during fiscal year 2008 through the most current fiscal year to date;

(B) the dollar amounts received and expended for CREP during fiscal year 2008 through the most current fiscal year to date;

(C) an assessment of meeting each of the program objectives identified in the agreement with the farm services agency; and

(D) such other information specified by the Kansas department of agriculture.

(2) For a CREP established with the purpose of meeting water quantity goals, the following information shall be included in such annual report:

(A) The total water rights, measured in acre-feet, retired in CREP from fiscal year 2008 through the current fiscal year to date;

(B) the change in groundwater water levels in the CREP area during fiscal year 2008 through the most current fiscal year to date;

(C) the annual amount of water usage in the CREP area from fiscal year 2008 through the most current fiscal year to date; and

(D) the average water use, measured in acre-feet, for each of the five years preceding enrollment for each water right enrolled.

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on natural resources and the

house committee on agriculture and natural resources every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 402** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 65-1431 is hereby amended to read as follows: 65-1431. (a) Each license to practice as a dentist or dental hygienist issued by the board, shall expire on December 1 of the year specified by the board for the expiration of the license and shall be renewed on a biennial basis. Each application for renewal shall be made on a form prescribed and furnished by the board. Every licensed dentist or dental hygienist shall pay to the board a renewal fee fixed by the board as provided in K.S.A. 65-1447, and amendments thereto.

(b) To provide for a staggered system of biennial renewal of licenses, the board may renew licenses for less than two years.

(c) On or before December 1 of the year in which the licensee's license expires, the licensee shall transmit to the board a renewal application, upon a form prescribed by the board, which shall include such licensee's signature, post office address, the number of the license of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice whether within or without this state, and such other information as may be required by the board, together with the biennial licensure fee for a dental hygienist which is fixed by the board pursuant to K.S.A. 65-1447, and amendments thereto.

(d) (1) The board shall require every licensee to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act.

(2) A dentist who is a charitable healthcare provider in Kansas who has signed an agreement to provide gratuitous services pursuant to K.S.A. 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of continuing education credit by the performance of two hours of gratuitous services to eligible low-income patients up to a maximum of six continuing education credits per licensure period.

(e) Upon fixing the biennial license renewal fee, the board shall immediately notify all licensees of the amount of the fee for the ensuing licensure period. Upon receipt of such fee and upon receipt of evidence that the licensee has satisfactorily completed a program of continuing education required by the board, the licensee shall be issued a renewal license authorizing the licensee to continue to practice in this state for a period of no more than two years.

(f) (1) Any license granted under authority of this act shall automatically be canceled if the holder thereof fails to apply for and obtain renewal prior to March 1 of the year following the December in which a renewal application is due.

(2) Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, prior to February 1, by submitting to the board the required renewal application, payment of the biennial renewal fee and proof that such licensee has satisfactorily completed a program of continuing education required by the board. Any licensee whose license is required to be renewed for the next biennial period may

obtain renewal, between February 1 and March 1, by submitting to the board the required renewal application, payment of the biennial renewal fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and regulations by the board and proof that such licensee has satisfactorily completed a program of continuing education required by the board. The penalty fee in effect immediately prior to the effective date of this act shall continue in effect until rules and regulations establishing a penalty fee under this section become effective.

(g) Upon failure of any licensee to pay the applicable renewal fee or to present proof of satisfactory completion of the required program of continuing education by February 1 of the year following the December in which a renewal application is due, the board shall notify such licensee, in writing, by mailing notice to such licensee's last registered address. Failure to mail or receive such notice shall not affect the cancellation of the license of such licensee.

(h) The board may waive the payment of biennial fees and the continuing education requirements for the renewal of licenses without the payment of any fee for a person who has held a Kansas license to practice dentistry or dental hygiene if such licensee has retired from such practice or has become temporarily or permanently disabled and such licensee files with the board a certificate stating either of the following:

(1) A retiring licensee shall certify to the board that the licensee is not engaged, except as provided in K.S.A. 65-1466, and amendments thereto, in the provision of any dental service, the performance of any dental operation or procedure or the delivery of any dental hygiene service as defined by the statutes of the state of Kansas; or

(2) a disabled licensee shall certify to the board that such licensee is no longer engaged in the provision of dental services, the performance of any dental operation or the provision of any dental hygiene services as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary, and shall describe the nature of such disability.

(i) The waiver of fees under subsection (h) shall continue so long as the retirement or physical disability exists. Except as provided in K.S.A. 65-1466, and amendments thereto, in the event the licensee returns to the practice for which such person is licensed, the requirement for payment of fees and continuing education requirements shall be reimposed commencing with and continuing after the date the licensee returns to such active practice. Except as provided in K.S.A. 65-1466, and amendments thereto, the performance of any dental service, including consulting service, or the performance of any dental hygiene service, including consulting service, shall be deemed the resumption of such service, requiring payment of license fees.

(j) The Kansas dental board may adopt such rules and regulations requiring the examination and providing means for examination of those persons returning to active practice after a period of retirement or disability as the board shall deem necessary and appropriate for the protection of the people of the state of Kansas except that for an applicant to practice dental hygiene who is returning to active practice after a period of retirement or disability, the board shall authorize as an alternative to the requirement for an examination that the applicant successfully complete a refresher course as defined by the board in an approved dental hygiene school.";

On page 5, in line 4, by striking "licensure period" and inserting "year"; by striking all in lines 5 through 9;

On page 8, following line 14, by inserting:

"(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.

Sec. 4. K.S.A. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than:

- (1) A charitable health care provider;
- (2) a hospital owned by a municipality and the employees thereof;
- (3) a local health department and the employees thereof;
- (4) an indigent health care clinic and the employees thereof;~~or~~
- (5) a district coroner or deputy district coroner appointed pursuant to K.S.A. 22a-226 and amendments thereto; or
- (6) a community mental health center and the employees thereof.

(b) Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than those health care providers enumerated in subsection (a), arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(c) As used in this section:

(1) "Indigent health care clinic" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(2) "Charitable health care provider" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(3) "Health care provider" shall have the meaning ascribed to such term under K.S.A. 40-3401, and amendments thereto.

(4) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility.

(5) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241 and amendments thereto.";

Also on page 8, in line 15, before "K.S.A." by inserting "K.S.A. 75-6115 and"; also in line 15, after "Supp." by inserting "65-1431,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 75-6115 and"; also in line 2, after "Supp." by inserting "65-1431,"; and the bill be passed as amended.

Also, **SB 449** be amended on page 6, in line 12, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

On page 10, in line 9, before "Administrative" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

On page 12, by striking all in lines 4 through 28; in line 29, by striking "section 11,";

On page 16, in line 12, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

On page 29, in line 39, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

On page 37, in line 36, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

On page 45, in line 10, after "(b)" by inserting "For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ";

Also on page 45, in line 10, by striking "under";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2131**, as amended by the House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2131," as follows:

"Senate Substitute for HOUSE BILL No. 2131

By Committee on Utilities

"AN ACT concerning telecommunications; relating to local exchange carriers; concerning the Kansas universal service fund; concerning wireless communications, siting; relating to municipalities and state entities, public lands and public right-of-way; amending K.S.A. 17-1902 and 66-2004 and K.S.A. 2015 Supp. 66-2005, 66-2007, 66-2008 and 66-2017 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m. February 19, 2016.

# Journal of the Senate

TWENTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 19, 2016, 8:00 a.m.

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

## COMMUNICATIONS FROM STATE OFFICERS

January 11, 2015

Kansas Corporation Commission

Samir Arif submitted the 2016 Retail Rate Impact Report.

February 15, 2016

Kansas Department of Commerce

Matt Keith submitted the 2015 STAR Bonds Annual Report.

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

## REPORTS OF STANDING COMMITTEES

Committee on Judiciary recommends **SB 428** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 428," as follows:

"Substitute for SENATE BILL No. 428

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to eyewitness identification.";

And the substitute bill be passed.

Also, **SB 440** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 440," as follows:

"Substitute for SENATE BILL No. 440

By Committee on Judiciary

"AN ACT concerning the judicial branch; relating to the supreme court, general administrative authority; grounds for impeachment of justices of the supreme court and certain judges of the district court; amending K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A. 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections; also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110,

20-111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161, K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived by section 7 of this act, 20-319, as amended by section 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342, as revived by section 9 of this act, 20-342, as amended by section 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by section 10 of this act, 20-343, as amended by section 13 of chapter 82 of the 2014 Session Laws of Kansas, 20-345, as revived by section 11 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section 14 of this act, 20-349, as amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917, 20-2909, as amended by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as amended by section 21 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of this act, 20-3011, as amended by section 22 of chapter 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019 and 25-312a, as amended by section 25 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-5551, as amended by section 41 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301.";

And the substitute bill be passed.

**SB 378** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 44-1009 is hereby amended to read as follows: 44-1009. (a) It shall be an unlawful employment practice:

(1) For an employer, because of the race, religion, color, sex, disability, national origin or ancestry of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.

(2) For a labor organization, because of the race, religion, color, sex, disability, national origin or ancestry of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(3) For any employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or membership or to make any inquiry in connection with prospective employment or membership, which expresses, directly or indirectly, any limitation, specification or discrimination as to

race, religion, color, sex, disability, national origin or ancestry, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(4) For any employer, employment agency or labor organization to discharge, expel or otherwise discriminate against any person because such person has opposed any practices or acts forbidden under this act or because such person has filed a complaint, testified or assisted in any proceeding under this act.

(5) For an employment agency to refuse to list and properly classify for employment or to refuse to refer any person for employment or otherwise discriminate against any person because of such person's race, religion, color, sex, disability, national origin or ancestry; or to comply with a request from an employer for a referral of applicants for employment if the request expresses, either directly or indirectly, any limitation, specification or discrimination as to race, religion, color, sex, disability, national origin or ancestry.

(6) For an employer, labor organization, employment agency, or school which provides, coordinates or controls apprenticeship, on-the-job, or other training or retraining program, to maintain a practice of discrimination, segregation or separation because of race, religion, color, sex, disability, national origin or ancestry, in admission, hiring, assignments, upgrading, transfers, promotion, layoff, dismissal, apprenticeship or other training or retraining program, or in any other terms, conditions or privileges of employment, membership, apprenticeship or training; or to follow any policy or procedure which, in fact, results in such practices without a valid business motive.

(7) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or attempt to do so.

(8) For an employer, labor organization, employment agency or joint labor-management committee to: (A) Limit, segregate or classify a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee; (B) participate in a contractual or other arrangement or relationship, including a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee or an organization providing training and apprenticeship programs that has the effect of subjecting a qualified applicant or employee with a disability to the discrimination prohibited by this act; (C) utilize standards criteria, or methods of administration that have the effect of discrimination on the basis of disability or that perpetuate the discrimination of others who are subject to common administrative control; (D) exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association; (E) not make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such employer, labor organization, employment agency or joint labor-management committee can demonstrate that the accommodation would impose an undue hardship on the operation of the business thereof; (F) deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need to make reasonable accommodation to the physical or mental impairments of the employee or applicant; (G) use qualification standards, employment tests or other selection criteria that screen

out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used, is shown to be job-related for the position in question and is consistent with business necessity; or (H) fail to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

(9) For any employer to:

(A) Seek to obtain, to obtain or to use genetic screening or testing information of an employee or a prospective employee to distinguish between or discriminate against or restrict any right or benefit otherwise due or available to an employee or a prospective employee; or

(B) subject, directly or indirectly, any employee or prospective employee to any genetic screening or test.

(10) For any employer to violate K.S.A. 2015 Supp. 44-1132, and amendments thereto.

(b) It shall not be an unlawful employment practice to fill vacancies in such way as to eliminate or reduce imbalance with respect to race, religion, color, sex, disability, national origin or ancestry.

(c) It shall be an unlawful discriminatory practice:

(1) For any person, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this act because of race, religion, color, sex, disability, national origin or ancestry, except where a distinction because of sex is necessary because of the intrinsic nature of such accommodation.

(2) For any person, whether or not specifically enjoined from discriminating under any provisions of this act, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

(3) For any person, to refuse, deny, make a distinction, directly or indirectly, or discriminate in any way against persons because of the race, religion, color, sex, disability, national origin or ancestry of such persons in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the state of Kansas or any political subdivision or municipality thereof.

Sec. 2. K.S.A. 2015 Supp. 44-1044 is hereby amended to read as follows: 44-1044. Determinations under K.S.A. 44-1005 or 44-1019, and amendments thereto, including determinations with respect to alleged violations of K.S.A. 2015 Supp. 44-1132, and amendments thereto, by the Kansas human rights commission that no probable cause exists for crediting the allegations of a complaint under the Kansas act against discrimination or the Kansas age discrimination in employment act are hereby specifically exempted from the Kansas judicial review act (K.S.A. 77-601 through 77-627, and amendments thereto).";

Also on page 1, following line 30, by inserting:

"(c) "Crime victim" means any person who suffered direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a person felony crime against such person. "Crime victim" also shall include such person's spouse, surviving spouse, children, parents, legal guardian, siblings, stepparents or grandparents.

Sec. 4. K.S.A. 2015 Supp. 44-1132 is hereby amended to read as follows: 44-1132.

(a) An employer may not discriminate or ~~in any manner discriminate or retaliate~~ take adverse employment action against an employee who is a:

(1) Victim of domestic violence or a victim of sexual assault for taking time off from work pursuant to this section to:

~~(A)~~ Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;

~~(B)~~ seek medical attention for injuries caused by domestic violence or sexual assault;

~~(C)~~ obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or

~~(D)~~ make court appearances in the aftermath of domestic violence or sexual assault; or

(2) crime victim for taking time off work pursuant to this section to:

(A) Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;

(B) seek medical attention for injuries caused by a person felony crime;

(C) obtain services from a program for crime victims as a result of a person felony crime; or

(D) make court appearances in the aftermath of a person felony crime.

(b) (1) As a condition of taking time off for a purpose set forth in subsection (a), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless such advance notice is not feasible. Within 48 hours after returning from the requested time off, the employee shall provide documentation which may include, but is not limited to, that described in subsection (b)(2) to support taking time off for a purpose set forth in subsection (a).

(2) When an unscheduled absence occurs, the employer shall not take any adverse employment action against the employee if the absence is permitted by this section and the employee, within 48 hours after the beginning of the unscheduled absence, provides a certification to the employer in the form of any of the following:

(A) For a victim of domestic violence or a victim of sexual assault:

~~(A)~~(i) A police report indicating that the employee was a victim of domestic violence or sexual assault;

~~(B)~~(ii) a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or

~~(C)~~(iii) documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in

victimization from an act of domestic violence or sexual assault; or

(B) for a crime victim;

(i) A police report indicating that the employee was a victim of a person felony crime, or indicating that the employee's spouse, child, parent, legal guardian, sibling, stepparent or grandparent was a victim of a person felony crime;

(ii) evidence from the court or prosecuting attorney that the employee has appeared in court; or

(iii) documentation from a medical professional, health care provider, counselor or advocate for crime victims that the employee was undergoing treatment for physical or mental injuries resulting from a person felony crime.

(c) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under subsection (a), as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in subsection (a).

(d) An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available to an employee under the applicable terms of employment or is provided by a collective bargaining agreement. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.;

On page 2, in line 4, by striking all after "(b)"; by striking all in lines 5 through 21; in line 22, by striking all before the last period and inserting "K.S.A. 2015 Supp. 44-1131 and 44-1132, and amendments thereto, shall be part of and supplemental to the Kansas act against discrimination, and all provisions of such act pertaining to unlawful employment practices, including, but not limited to, jurisdiction, definitions, deadlines, procedures and remedies, shall apply to a complaint alleging a violation of K.S.A. 2015 Supp. 44-1132, and amendments thereto"; by striking all in lines 27 through 29; in line 30, before "K.S.A." by inserting "K.S.A. 44-1009 and"; also in line 30, after "Supp." by inserting "44-1044,"; also in line 30, after "44-1131" by inserting ", 44-1132";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "or" and inserting a comma; also in line 2, after "assault" by inserting "or certain crimes"; in line 3, after "amending" by inserting "K.S.A. 44-1009 and"; in line 4, after "Supp." by inserting "44-1044,"; also in line 4, after "44-1131" by inserting ", 44-1132"; and the bill be passed as amended.

## REPORT ON ENROLLED BILLS

**SR 1763, SR 1764, SR 1765, SR 1766, SR 1767, SR 1768** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 19, 2016.

**SB 247** reported correctly enrolled, properly signed and presented to the Governor on February 19, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 15 through February 19, 2016:

Senator Schmidt: congratulating Dale “Sarge” and Barbara Bryans on their 60th wedding anniversary;

Senator Tyson: recognizing The Plaza Cinema in Ottawa for being the “Oldest Operating Cinema Known”;

Senator Bowers: congratulating Roger Nitsch on being inducted into the Custom Harvesters Hall of Fame, congratulating Alsop Sand Company on receiving the Governor's Mined Land Reclamation Award;

Senators Masterson and Petersen: congratulating the Derby High School Football Team on winning the 2015 Class 6A State Championship; and

Senators Wagle and King: congratulating Elaine Ward on her retirement and thanking her for 15 years of service to the Kansas Senate.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, February 22, 2016.

# Journal of the Senate

THIRTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 22, 2016, 10:00 a.m.

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

Almighty Creator, Sustainer of heaven and earth and everything therein. My God! Your qualities...Your attributes...Your power and might are reflected in the vastness of Your creation. And Lord, the communicative power of our words are so inadequate when attempting to express how great You are. The more we ponder Your unlimited power, we recognize how limited we are. Not only do our words fall short in describing You, but our attitudes and actions fall short in representing You. You said in 1 John 1:9, that if we confess, we come into agreement with You concerning our shortcomings, that You'd forgive us. But You also said You'd cleanse us. And Lord, we need both! We need Your forgiveness and we need Your cleansing. We need You to help us rise above and overcome our deficiencies. With the tremendous responsibilities that we carry, we need Your influence...Your guidance...Your command. Please use Your sustaining power to regulate all that we do. Guide our decisions to be a reflection of You. Thank You Lord, for Your righteous influence. In Jesus' name, Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 476**, AN ACT concerning Bourbon county; dealing with audits of fire districts, by Committee on Federal and State Affairs.

**SB 477**, AN ACT concerning state psychiatric hospitals; establishing the joint committee on state psychiatric hospital oversight, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 469**.

Corrections and Juvenile Justice: **SB 466**.

Education: **SB 470; HB 2441**.

Ethics and Elections: **SB 471**.

Federal and State Affairs: **SB 468; HB 2442, HB 2536**.

Judiciary: **SB 467**.

Natural Resources: **SB 473**.

Public Health and Welfare: **SB 472**.

Ways and Means: **SB 474, SB 475**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Lynn, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1769—

A RESOLUTION designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month

WHEREAS, Cancer is one of the leading causes of death around the world and has touched the life of nearly everyone, either directly or indirectly; and

WHEREAS, The disease is the cause of nearly one out of every four deaths in the United States; and

WHEREAS, By the end of 2016, approximately 1,685,210 new cases are expected to be diagnosed across the United States; and

WHEREAS, An estimated one-third of all cancers are preventable. Increased efforts to reduce tobacco use, reduce obesity, improve diet and physical activity and promote safe ultraviolet radiation exposure are key in limiting preventable cancer risks; and

WHEREAS, Regular use of established screening tests can preclude the development of cancer through identification and result in the removal or treatment of premalignant abnormalities. Screening tests can also significantly improve survival rates by detecting cancer at an early stage when treatment is more effective: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month; recognize efforts to raise awareness for the reduction of cancer risks; and encourage the expansion of knowledge, early detection and work in the medical and scientific fields, to put an end to this deadly disease.

On emergency motion of Senator Wolf **SR 1769** was adopted by voice vote.

Guests introduced were Dr. Terance Tsue, Jeff Wright, Cliff Erwin, Reagan Cussimano, Stephanie Weiter, Hilary Gee, Jordan Rickabaugh, Sue Jirkovsky-Landers, Becky Duncun, Ruthie Blenz, Priscilla Brunell, Regina Bussiere, Jaquelan Bussiere, Gay Garret and Judith Calhoun.

Senators honored the guests with a standing ovation.

On motion of Senator Bruce, the Senate recessed until 1:00 p.m.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2436, HB 2447, HB 2489, HB 2501, HB 2610**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2436, HB 2447, HB 2489, HB 2501, HB 2610** were thereupon introduced and read by title.

**CHANGE OF REFERENCE**

The President withdrew **SB 439** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Arpke the following report was adopted:

**SB 362, SB 366, SB 392, SB 407, SB 415, SB 419** be passed.

**SB 363** be amended by motion of Senator O'Donnell: on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 14;

On page 15, by striking all in lines 1 through 19 and inserting:

"New Section 1. Sections 1 through 24, and amendments thereto, shall be known and may be cited as the acupuncture practice act.

New Sec. 2. As used in the acupuncture practice act:

(a) "ACAOM" means the national accrediting agency recognized by the U.S. department of education that provides accreditation for educational programs for acupuncture and oriental medicine. For purposes of the acupuncture practice act, the term ACAOM shall also include any entity deemed by the board to be the equivalent of ACAOM.

(b) "Act" means the acupuncture practice act.

(c) "Acupuncture" means the use of needles inserted into the human body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body and stimulating the body to restore itself to its proper functioning and state of health.

(d) "Licensed acupuncturist" means any person licensed to practice acupuncture under the acupuncture practice act.

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

(f) "Council" means the acupuncture advisory council established by section 13, and amendments thereto.

(g) "NCCAOM" means the national certification commission for acupuncture and oriental medicine. NCCAOM is a national organization that validates entry-level competency in the practice of acupuncture and oriental medicine through the administration of professional certification examinations. For purposes of the acupuncture practice act, the term NCCAOM shall also include any entity deemed by the board to be the equivalent of the NCCAOM.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathy in Kansas.

(i) "Practice of acupuncture" includes, but is not limited to:

(1) Techniques sometimes called "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment" and similar terms;

(2) mechanical, thermal, pressure, suction, friction, electrical, magnetic, light, sound, vibration, manual and electromagnetic treatment;

(3) the use, application or recommendation of therapeutic exercises, breathing techniques, meditation and dietary and nutritional counselings; and

(4) the use and recommendation of herbal products and nutritional supplements, according to the acupuncturist's level of training and certification by the NCCAOM or its equivalent.

(j) "Practice of acupuncture" does not include:

(1) Prescribing, dispensing or administering of any controlled substances as defined in K.S.A. 65-4101 et seq., and amendments thereto, or any prescription-only drugs;

(2) the practice of medicine and surgery, including obstetrics and the use of lasers or ionizing radiation;

(3) the practice of osteopathic medicine and surgery or osteopathic manipulative treatment;

(4) the practice of chiropractic;

(5) the practice of dentistry; or

(6) the practice of podiatry.

New Sec. 3. (a) On and after July 1, 2017, except as otherwise provided in this act, no person shall practice acupuncture unless such person possesses a current and valid acupuncture license issued under this act.

(b) (1) No person shall depict oneself orally or in writing, expressly or by implication, as a holder of a license who does not hold a current license under this act.

(2) Only persons licensed under this act shall be entitled to use the title "licensed acupuncturist" or the designated letters "L.Ac."

(3) Nothing in this section shall be construed to prohibit an acupuncturist licensed under this act from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to denote any educational degrees, certifications or credentials which such licensed acupuncturist has earned.

(4) Violation of this section shall constitute a class B misdemeanor.

New Sec. 4. Needles used in the practice of acupuncture shall only be prepackaged, single-use and sterile. These needles shall only be used on an individual patient in a single treatment session.

New Sec. 5. (a) The following shall be exempt from the requirements for an acupuncture license pursuant to this act:

(1) Any person licensed in this state to practice medicine and surgery, osteopathy, dentistry or podiatry, a licensed chiropractor or a licensed naturopathic doctor, if the person confines the person's acts or practice to the scope of practice authorized by their health professional licensing laws and does not represent to the public that the person is licensed under this act;

(2) any herbalist or herbal retailer who does not hold oneself out to be a licensed acupuncturist;

(3) any health care provider in the United States armed forces, federal facilities and other military service when acting in the line of duty in this state;

(4) any student, trainee or visiting teacher of acupuncture, oriental medicine or herbology who is designated as a student, trainee or visiting teacher while participating

in a course of study or training under the supervision of a licensed acupuncturist licensed under this act in a program that the council has approved. This includes continuing education programs and any acupuncture or herbology programs that are a recognized route by the NCCAOM, or its equivalent, to certification;

- (5) any person rendering assistance in the case of an emergency or disaster relief;
- (6) any person practicing self-care or any family member providing gratuitous care, so long as such person or family member does not represent or hold oneself out to the public to be an acupuncturist;
- (7) any person who massages, so long as such person does not practice acupuncture or hold oneself out to be a licensed acupuncturist;
- (8) any person whose professional services are performed pursuant to delegation by and under the supervision of a practitioner licensed under this act; and
- (9) any team acupuncturist or herbology practitioner, who is traveling with and treating those associated with an out-of-state or national team that is temporarily in the state for training or competition purposes.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 6. An applicant for licensure as an acupuncturist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant:

- (a) Is at least 21 years of age;
- (b) has successfully completed secondary schooling or the its equivalent;
- (c) has satisfactorily completed a course of study involving acupuncture from an accredited school of acupuncture which the board shall determine to have educational standards substantially equivalent to the minimum educational standards for acupuncture colleges as established by the ACAOM or NCCAOM;
- (d) has satisfactorily passed a license examination approved by the board;
- (e) has the reasonable ability to communicate in English; and
- (f) has paid all fees required for licensure pursuant to section 11, and amendments thereto.

New Sec. 7. (a) The board, without examination, may issue a license to a person who has been in the active practice of acupuncture in some other state, territory, the District of Columbia or other country upon certification by the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or received other disciplinary actions and that, so far as the records of such authority are concerned, the applicant is entitled to such licensing authority's endorsement. The applicant shall also present proof satisfactory to the board:

- (1) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained in Kansas;
- (2) that the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state;
- (3) the date of the applicant's original license and all endorsed licenses and the date and place from which any license was attained;
- (4) the applicant has been actively engaged in practice under such license or licenses since issued. The board may adopt rules and regulations establishing qualitative

and quantitative practice activities which qualify as active practice;

(5) that the applicant has a reasonable ability to communicate in English; and

(6) has paid all the application fees as prescribed by section 11, and amendments thereto.

(b) An applicant for a license by endorsement shall not be licensed unless, as determined by the board, the applicant's individual qualifications are substantially equivalent to the Kansas requirements for licensure under the acupuncture practice act.

New Sec. 8. The board shall waive the education and examination requirements for an applicant who submits an application on or before January 1, 2018, and who, on or before July 1, 2017:

(a) Is 21 years of age or older;

(b) has successfully completed secondary schooling or its equivalent;

(c) (1) (A) has completed a minimum of 1,350 hours of study, excluding online study in the field of acupuncture; and

(B) has been engaged in the practice of acupuncture with a minimum of 1,500 patient visits during a period of at least three of the five years immediately preceding July 1, 2017, as evidenced by two affidavits from office partners, clinic supervisors or other individuals approved by the board, who have personal knowledge of the years of practice and number of patients visiting the applicant for acupuncture. The board may adopt rules and regulations for further verification of the applicant's practice of acupuncture; or

(2) has satisfactorily passed a license examination approved by the board;

(d) has a reasonable ability to communicate in English; and

(e) has paid all fees required for licensure as prescribed by section 11, and amendments thereto.

New Sec. 9. (a) The license shall be canceled on March 31 of each year unless renewed in the manner prescribed by the board. In each case in which a license is renewed for a period of time of less than 12 months, the board may prorate the amount of the fee established under section 11, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the renewal date of the license.

(b) There is hereby created a designation of an active license. The board is authorized to issue an active license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 11, and amendments thereto. The board shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensed acupuncturists shall be established by rules and regulations adopted by the board.

(c) The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(d) At least 30 days before the renewal date of a licensee's license, the board shall notify the licensee of the renewal date by mail addressed to the licensee's last known mailing address. If the licensee fails to submit the renewal application and pay the renewal fee by the renewal date of the license, the licensee shall be given notice that the licensee has failed to submit the renewal application and pay the renewal fee by the

renewal date of the license, that the license will be deemed canceled if not renewed within 30 days following the renewal date, that upon receipt of the renewal application and renewal fee and an additional late fee established by rules and regulations not to exceed \$500 within the 30-day period, the license will not be canceled and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(e) Any license canceled for failure to renew may be reinstated within two years of cancellation upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing education requirements established by the board by rules and regulations. Any person who has not been in the active practice of acupuncture for which reinstatement is sought or who has not been engaged in a formal educational program during the two years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(f) There is hereby created a designation of an exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 11, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of acupuncture for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of acupuncture upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 11, and amendments thereto. For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of acupuncture since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety. Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee of: (1) A local health department as defined by K.S.A. 65-241, and amendments thereto; or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(g) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 11, and amendments thereto. The board may issue an inactive license only to a

person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice acupuncture in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by subsection (b). Each inactive licensee may apply for an active license upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 11, and amendments thereto. For those licensees whose licenses have been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of acupuncture or engaged in a formal education program since the license has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(h) This section shall take effect on and after July 1, 2017.

New Sec. 10. A person whose license has been revoked may apply for reinstatement after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by the fee established by the board in accordance with section 11, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement. If the board determines that a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

New Sec. 11. The board shall charge and collect in advance nonrefundable fees for acupuncturists as established by the board by rules and regulations, not to exceed:

Initial application for licensure.....	\$700
Annual renewal for active license – paper.....	\$300
Annual renewal for active license – online.....	\$250
Annual renewal for inactive license – paper.....	\$200
Annual renewal for inactive license – online.....	\$150
Annual renewal for exempt license – paper.....	\$200
Annual renewal for exempt license – online.....	\$150
Late renewal fee.....	\$100
Conversion from inactive to active license.....	\$300
Conversion from exempt to active license.....	\$300
Application for reinstatement of revoked license.....	\$1,000
Certified copy of license.....	\$25
Written verification of license.....	\$25

New Sec. 12. The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

New Sec. 13. (a) There is hereby established the acupuncture advisory council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas, appointed as follows:

(1) The board shall appoint one member who is a physician licensed to practice medicine and surgery or osteopathy. The member appointed by the board shall serve at the pleasure of the board. The governor shall appoint three acupuncturists who have at least three years' experience in acupuncture preceding appointment and are actively engaged, in this state, in the practice of acupuncture or the teaching of acupuncture. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas association of oriental medicine. The governor shall appoint one member from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible, persons appointed by the governor to the council shall be from different geographic areas.

(2) The members appointed by the governor shall be appointed for terms of four years and until a successor is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(b) The council shall meet at least once each year at a time of its choosing at the board's main office and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(c) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(d) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the healing arts fee fund.

New Sec. 14. The acupuncture advisory council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) the number of yearly continuing education hours required to maintain active licensure;
- (d) changes and new requirements taking place in the areas of acupuncture; and
- (e) such other duties and responsibilities as the board may assign.

New Sec. 15. The board shall promulgate all necessary rules and regulations which may be necessary to administer the provisions of this act and to supplement the provisions herein.

New Sec. 16. (a) A licensee's license may be revoked, suspended, limited or placed on probation, or the licensee may be publicly censured, or an application for a license or

for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(1) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;

(2) the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;

(3) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board;

(4) the licensee has been convicted of a felony;

(5) the licensee has violated any provision of the acupuncture practice act;

(6) the licensee has violated any lawful order or rule and regulation of the board;

(7) the licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;

(8) the licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(9) the licensee has surrendered a license or authorization to practice as an acupuncturist in another state or jurisdiction, has agreed to a limitation or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(10) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as an acupuncturist in another state or jurisdiction or the surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(11) the licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(12) the licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; or

(13) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition of or use of alcohol, drugs or controlled substances. When reasonable suspicion of impairment exists, the board may take action in accordance with K.S.A. 65-2842, and amendments thereto. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding. This provision regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of the acupuncture practice act. All administrative proceedings conducted pursuant to this act shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(c) This section shall take effect on and after July 1, 2017.

New Sec. 17. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under the acupuncture practice act. Any such action shall be taken in accordance with the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

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

(d) Judicial review and civil enforcement of any agency action under this act shall be in accordance with the Kansas judicial review act.

New Sec. 18. The board or a committee of the board may implement non-disciplinary resolutions concerning a licensed acupuncturist consistent with the provisions of K.S.A. 65-2838a, and amendments thereto.

New Sec. 19. The state board of healing arts, in addition to any other penalty prescribed under the acupuncture practice act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the acupuncture practice act in an amount not to exceed \$2,000 for a first violation, \$5,000 for a second violation and \$10,000 for a third violation and any subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4218, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. Fines collected under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.

New Sec. 20. (a) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information, except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity

when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act.

(b) Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be re-disclosed by the receiving agency except as otherwise authorized by law.

(c) This section regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

New Sec. 21. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against a person licensed, registered or certified by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice acupuncture and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

New Sec. 22. (a) The confidential relations and communications between a licensed acupuncturist and the acupuncturist's patient are placed on the same basis as those established between a physician and a physician's patient in K.S.A. 60-427, and amendments thereto.

(b) The provisions of this section shall take effect on and after July 1, 2017.

New Sec. 23. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 24. If any provision of the acupuncture practice act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the acupuncture practice act which can be given effect without the invalid provision or application, and to this end the provisions of the acupuncture practice act are declared to be severable.";

And by renumbering sections accordingly; and **SB 363** be passed as amended, be passed over and retain a place on the calendar.

**SB 330, SB 338, SB 365, SB 387, SB 391, SB 408, SB 438** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Haley to amend **SB 338** failed.

**SB 449** be amended by the adoption of the committee amendments, be further amended by motion of Senator O'Donnell: on page 20, in line 16, after the semicolon by inserting "or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist;"

**SB 449** be further amended by motion of Senator Tyson: on page 51, following line 34, by inserting:

"New Sec. 48. No state agency shall enter into any agreement to outsource or privatize any operations or facilities of the Larned state hospital or Osawatamie state hospital without prior specific authorization by an act of the legislature or an appropriation act of the legislature.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "psychiatric health; relating to professions regulated by"; also in line 1, after the semicolon by inserting "prohibiting outsourcing of operations or facilities of state psychiatric hospitals;"; and **SB 449** be passed as further amended.

**SB 402** be amended by the adoption of the committee amendments, be further amended by motion of Senator Pilcher-Cook, on page 1, in the title, in line 1, by striking "charitable" and inserting "healthcare and"; in line 2, after the semicolon by inserting "application of the Kansas tort claims act;"; and **SB 402** be passed as further amended.

**SB 374** be amended by the adoption of the committee amendments, be further amended by motion of Senator Knox, on page 1, in line 18, before the comma by inserting "or entity that is not a corporation that"; in line 30, after "entity" by inserting ", other than a corporation";

On page 3, in line 38, by striking "Judges" and inserting "The chief judge"; and **SB 374** be passed as further amended.

**SB 453** be amended by the adoption of the committee amendments, be further amended by motion of Senator King, on page 1, in line 10, by striking "1" and inserting "3"; in line 15, after "thereto" by inserting ", not including a drug severity level 3 through 5 felony" and **SB 453** be passed as further amended.

**SB 410** be amended by the adoption of the committee amendments, be further amended by motion of Senator Knox, on page 2, in line 17, after the period by inserting:

"(2) If a child is enrolled in a school district by the CARE family that is different than the school district in which the child was enrolled at the commencement of the current school year, then the school district in which the child is enrolled by the CARE family shall be paid by the secretary from the juvenile out-of-home placement education fund a monthly amount that is equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in a fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total

enrollment of such school district for the current school year divided by 12. The school district shall only be paid for those months in which the child is enrolled in the school district as of the first day of the month. Payments shall be made by the secretary to the school district on the first day of the month or as soon thereafter as sufficient moneys are available in the juvenile out-of-home placement education fund.

(3) ";

Also on page 2, in line 25, by striking "subsection" and inserting "section"; by striking all in lines 28 through 36; in line 37, by striking "(3)" and inserting "(f)"; in line 43, by striking all after "expended";

On page 3, by striking all in line 1; in line 2, by striking all before the period and inserting "for the purposes set forth in this section"; following line 2, by inserting:

"(g) (1) The secretary shall annually notify the state board of education of every child who was placed with a CARE family on or before July 1 and who is not enrolled in a school district by the CARE family. Commencing July 1, 2017, and each July 1 thereafter, the state board of education shall multiply the number of children reported by the secretary under this subsection by the statewide average state aid per pupil. The state board shall certify the resulting product to the director of accounts and reports and an amount equal thereto shall be transferred by the director from the state general fund to the juvenile out-of-home placement education fund. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(2) The court shall notify any school district when a child has been placed with a CARE family pursuant to the revised Kansas code for care of children and is no longer attending a school in such school district. Upon receipt of such notification, for any month during the current school year in which such child is not enrolled in such school district as of the first day of such month, such school district shall remit to the secretary an amount equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in a fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. Such remittance shall be made on the first business day of such month. The secretary shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the juvenile out-of-home placement education fund.";

Also on page 3, in line 3, by striking "(4)" and inserting "(h)"; also in line 3, by striking "subsection" and inserting "section"; in line 4, after "districts" by inserting ", excluding special education and related services state aid, any amount certified by the board of trustees of the Kansas public employees retirement system which is equal to the participating employer's obligation, any amount attributed as capital outlay state aid and any capital improvement state aid,"; in line 8, by striking "(5)" and inserting "(i)"; also in line 8, by striking "subsection" and inserting "section";

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

On page 1, in the title, in line 2, by striking "establishing" and inserting "authorizing"  
A motion by Senator Pettey to amend **SB 410** was withdrawn.

A motion by Senator Pettey to amend **SB 410** failed and the following amendment was rejected: on page 1, in line 6, by striking "New";

On page 2, by striking all in subsections (e), (f), (g), (h) and (i);

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

On page 3, by striking all in lines 30 through 43;

On page 4, by striking all in lines 1 through 23;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "care"; in line 3, by striking all before the period.

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

On roll call, the vote was: Yeas 10; Nays 28; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Wolf.

Absent or Not Voting: Longbine.

A motion by Senator Pettey to amend **SB 410** failed.

A motion by Senator Pettey to amend **SB 410** failed and the following amendment was rejected: on page 1, in line 22, after "(6)" by inserting "any firearm in the home is stored and secured such that no minor may have access to or operate such firearm;

(7) ";

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

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

On roll call, the vote was: Yeas 9; Nays 26; Present and Passing 4; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Nays: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wilborn.

Present and Passing: Baumgardner, Haley, Wagle, Wolf.

Absent or Not Voting: Longbine.

**SB 410** be passed as further amended.

The committee report on **SB 103** recommending **Sub SB 103** be adopted, and the substitute bill be passed.

The committee report on **SB 335** recommending **Sub SB 335** be adopted, **Sub SB 335** be further amended by motion of Senator Smith: on page 1, in line 7, before "There" by inserting "(a)"; following line 15, by inserting:

"(b) The funds shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the

moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section.";

On page 3, following line 24, by inserting:

"Sec. 5. K.S.A. 2015 Supp. 74-5619 is hereby amended to read as follows: 74-5619. (a) (1) There is hereby created in the state treasury the law enforcement training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law.

(2) All moneys received for assessments as provided pursuant to K.S.A. 74-5607, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the law enforcement training center fund.

(b) There is hereby created in the state treasury the Kansas commission on peace officers' standards and training fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose of the operation of the commission to carry out its powers and duties as mandated by law. The director may apply for and receive public or private grants, gifts and donations of money for the commission. All moneys received from grants, gifts and donations shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas commission on peace officers' standards and training fund.

(c) The funds shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in these funds shall remain intact and inviolate for the purposes set forth in this section.

(d) This section shall be part of and supplemental to the Kansas law enforcement training act.";

Also on page 3, in line 25, by striking "is" and inserting "and 74-5619 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "8-145" by inserting "and 74-5619"; in line 4, by striking "section" and inserting "sections".

A motion by Senator Pettey to amend **Sub SB 335** failed and the following amendment was rejected: on page 1, by striking all in lines 16 through 20;

On page 3, in line 12, after "(4)" by inserting "(A)"; in line 15, after "2013," by inserting "and until June 30, 2016,"; in line 16, after the period by inserting "On and after July 1, 2016, \$2 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$2 to the state highway fund.

(B) On and after July 1, 2016, \$2 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$2 to the Kansas highway patrol staffing and training fund.";

Also on page 3, in line 17, by striking all after "(5)"; by striking all in lines 18 through 20; in line 21, by striking "(6)";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "vehicle

modernization surcharge;"

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

On roll call, the vote was: Yeas 15; Nays 20; Present and Passing 5; Absent or Not Voting 0.

Yeas: Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Lynn, Masterson, Petersen, Pettey, Pyle, Wagle, Wolf.

Nays: Arpke, Bowers, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, McGinn, Melcher, Olson, Ostmeyer, Powell, V. Schmidt, Smith, Tyson, Wilborn.

Present and Passing: Abrams, Baumgardner, Bruce, O'Donnell, Pilcher-Cook.

**Sub SB 335** be passed as amended.

The committee report on **Sub SB 440** recommending **Sub SB 440** be adopted, be further amended by motion of Senator Smith: on page 15, by striking all in lines 21 through 43;

On page 16, by striking all in lines 1 through 6;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "amending".

A motion by Senator Hensley to amend **Sub SB 440** failed and the following amendment was rejected: on page 11, following line 42, by inserting:

"Sec. 20. K.S.A. 2015 Supp. 20-3020 is hereby amended to read as follows: 20-3020. (a) (1) On and after July 1, 2013, any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(3) If the governor is making an appointment to the court of appeals, the governor shall make each applicant's name and city of residence available to the public whenever the governor stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

(4) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(5) If the chief justice of the supreme court is making an appointment to the court of appeals, the chief justice shall make each applicant's name and city of residence available to the public whenever the chief justice stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

(4)(6) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall commence the duties of office upon appointment and consent, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.

(d) Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.";

On page 17, in line 1, after "20-384," by inserting "20-3020,";

And by redesignating sections accordingly;

On page 1, in the title, in line 2, after the semicolon, by inserting "appointment of judges of the court of appeals;"; in line 5, after "Supp." by inserting "20-3020,"

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: O'Donnell.

**Sub SB 440** be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, February 23, 2016.

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 23, 2016, 10:00 a.m.

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

The roll was called with 40 senators present.

Vice President King introduced guest chaplain, Major Brian Curry, who delivered the invocation:

Almighty and Eternal God, who has given us this great nation as a land for our heritage, we seek Your guidance and favor today. Continue to bless our nation and the great state of Kansas' leaders with the wisdom and humility to enact laws that are a blessing to Kansans. We especially give thanks today for our nation's military as they defend our liberties and promote a united nation with a united people for the common good. May the desire of our military to live in peace and deliver justice to all inspire each of us to be better citizens and servants to our fellow man. As a military chaplain, I pray for my fellow chaplains that You will sustain them as they care for the souls of our nation's sons and daughters. In a nation and state with so much prosperity, may our hearts be filled with the joy of Your blessings and thankfulness as stewards of these bestowed blessings. Endow every member of this chamber to have charity in their heart for the least of the state. In Your Holy Name I pray, Amen.

The Pledge of Allegiance was led by Vice President King.

## **POINT OF PERSONAL PRIVILEGE**

Senator Bowers rose on a Point of Personal Privilege to acknowledge and introduce the members and personnel of the Kansas National Guard for Armed Forces Appreciation Day. The Guardsmen here today represent Joint Forces Headquarters, the 130th Field Artillery Brigade, 635th Regional Support Group, Recruiting and Retention Battalion, 235th Regiment, the 73rd Civil Support Team, airmen from the 184th Intelligence Wing and 190th Air Refueling Wing. These men and women of the Kansas National Guard have chosen to dedicate their service to our great state and country. They are always ready at a moment's notice to serve and protect the great state of Kansas. These men, women and their families have made noble sacrifices in order to fulfill their commitment to our state and country. I encourage you to meet with these members and personnel to learn about their service branch, what they do for our state, and what we as elected officials can do for them. On a personal note, I have had the privilege of having two Kansas soldiers serve as interns for me – 2nd Lt Jody McCready Cope in 2011 and Major Murl Riedel in 2012. On behalf of the State of Kansas, we thank you for all your service.

Senators honored the guests with a standing ovation.

**POINT OF PERSONAL PRIVILEGE**

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of four chapters of Kansas Alpha Kappa Alpha sorority present in the gallery. Special recognition was given to Mrs. Jan M. Carpenter Baker, Mid-Western Regional Director of Alpha Kappa Alpha; Mrs. Twyla Wood Buford, Midwest Regional Representative to the International Connections Committee; and Kayly Seton, Kansas Connection Coordinator.

Senators honored the guests with a standing ovation.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 478**, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; establishing the Kansas death penalty abolition fund; amending K.S.A. 2015 Supp. 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-3717, 22-4902, 22-4906, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 21-5401, 21-6614f, 21-6617 and 21-6619, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **HB 2447**, **HB 2501**.

Federal and State Affairs: **SB 476**.

Public Health and Welfare: **SB 477**.

Senate Select Committee on KPERS: **HB 2489**.

Transportation: **HB 2436**, **HB 2610**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Petersen, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1770—

A RESOLUTION honoring and recognizing Kansans who are Korean War Veterans.

WHEREAS, On June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War; and

WHEREAS, On June 27, 1950, President Harry S. Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion; and

WHEREAS, The hostilities ended in a cease-fire, marked by the signing of the armistice at Panmunjom on July 27, 1953; and

WHEREAS, During the Korean War, approximately 1,789,000 members of the United States Armed Forces served in the theater of combat, with 54,246 casualties, of whom 33,739 were battle deaths, more than 103,284 wounded and approximately 8,055 listed as missing in action or prisoners of war; and

WHEREAS, The Korean War is called "The Forgotten War," because it came on the heels of World War II; and

WHEREAS, The invasion from North Korea, planned and executed with Russian support, was intended to ensure communism spread into the Republic of Korea and beyond; and

WHEREAS, The Kansans and other Americans who served in the armed forces during the Korean War were willing to pay the price freedom demanded and pushed back the spread of communism to sustain democracy in Korea; and

WHEREAS, In the 66 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners and military allies of the United States; and

WHEREAS, There were 435 Kansans who lost their lives in the Korean War. Their names and branch of service are listed on the Korean War Memorial in Overland Park, Kansas; and

WHEREAS, Three Kansas Korean War Veterans were awarded the Congressional Medal of Honor: Stanley Taylor Adams, Army, DeSoto, Kansas; Jack Arden Davenport, USMC, Mission, Kansas; and Father Emil Joseph Kapaun, Army, Pilsen, Kansas; and

WHEREAS, There were only 18,242 Korean War Veterans living in Kansas in September 2014, and it is fitting and just that we honor and bring recognition to our Kansas service members from the Korean War: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That on this 23<sup>rd</sup> day of February 2016, Kansas Military Appreciation Day, we recognize the historical importance of the Korean War, which began on June 25, 1950 and ended on July 27, 1953, when the armistice was signed; that there were only 18,242 Korean War Veterans in Kansas in 2014, with many passing each year; that we must honor the noble service and sacrifice of these Kansas veterans now, while they are still with us, as well as other veterans of the United States Armed Forces and all veterans from allied countries who served in Korea; that all Americans, in particular Kansans, who served during the Korean War were valuable to the war effort – whether as cooks, tankers, engineers, enlisted personnel or officers – and all deserve our thanks and recognition; and we encourage all Kansans to participate in commemorative activities, pay solemn tribute to and never forget the veterans of the Korean War and their sacrifices, as exemplified by the Kansas Commission on Veterans' Affairs Operation Recognition Program, which grants high school diplomas to Korean War and other veterans who left high school to serve in the armed forces; and we reaffirm this commitment of Kansans from this day forward; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1770** was adopted by voice vote.

Senators honored the Kansas Korean Veterans seated in the gallery with a standing ovation.

Roger Zlatnik, Senate Doorman and a Kansas Korean War Veteran, was presented with a framed copy of the resolution and was honored by the senators with a standing ovation.

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

SENATE RESOLUTION No. 1771—

A RESOLUTION recognizing the patriotism and contributions of Veterans Service Organizations and families of veterans.

WHEREAS, Tens of millions of Americans have served in the United States Armed Forces during the past century; and

WHEREAS, Kansas is home to more than 200,000 veterans; and

WHEREAS, The Veterans of Foreign Wars, the American Legion and other Veterans Service Organizations, through local posts, provide a host of invaluable services to veterans across the United States, including benefits assistance, career services, financial assistance, homeless outreach and supporting services; and

WHEREAS, Along with Veterans Service Organizations, the family members of veterans are the bedrock of support and strength for our nation's Armed Forces and bear the most immediate and profound burden of the absence of their loved ones during the performance of their duties; and

WHEREAS, Various Veterans Service Organizations support veterans with behavioral health challenges and help them develop stronger connections with behavioral health providers, health care providers, employment assistance providers, institutions of higher learning, the judicial system, social services providers, local businesses and the broader community as a whole: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we proudly recognize and honor families of our service members who, through their love, support, patriotism and countless contributions, also help ensure our continued freedom, liberty and way of life; and

*Be it further resolved:* That we recognize Veterans Service Organizations and the families of veterans as valuable resources to our state, and essential to the smooth transition and integration of veterans into our communities; and

*Be it further resolved:* That we stand in humble respect of the sacrifices made by Veterans Service Organizations and military families.

On emergency motion of Senator Ostmeyer **SR 1771** was adopted by voice vote.

Guests recognized were Lyle Babcock, Nathan McClune, Marty Thurman, Ron Whitney, Frank Lowery, Maureen Lane, David Farley, Gerald Kehres, Megan McGuire, Debbie Austin, Dody Plummer, Thomas Sochantz, Bittany White-Dold, Weston Qrender, Jade Cale, Kendra Garcia, Aubrey Davis, Dakota Qrender, Phil Taunton, Monica Schmidt, T.J. Qrender and Maddie Madrigal.

Senators honored the guests with a standing ovation.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2285, HB 2462, HB 2479, HB 2516, HB 2545, HB 2567, HB 2578, HB 2620, HB 2655.**

Announcing adoption of **HCR 5008.**

Announcing passage of **SB 250**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2285, HB 2462, HB 2479, HB 2516, HB 2545, HB 2567, HB 2578, HB 2620, HB 2655; HCR 5008** were thereupon introduced and read by title.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 382, SB 405** and **SB 412** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered for final action.

**SB 382**, AN ACT repealing K.S.A 8-1107; eliminating the requirement that certain notices, publications and affidavits be filed with the county clerk by a person providing wrecker or towing service.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 405**, AN ACT concerning vehicles; relating to travel trailers; amending K.S.A. 8-199 and K.S.A. 2015 Supp. 8-197 and 8-198 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 412**, AN ACT concerning counties; relating to the grant of an easement to a water district, conditions and purposes; amending K.S.A. 19-3521b and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Olson.

The bill passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 103**, AN ACT concerning pharmacy benefits managers, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**SB 330**, AN ACT concerning conservation; establishing the Kansas conservation reserve enhancement program, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**Sub SB 335**, AN ACT concerning motor vehicles; relating to vehicle registration, fees; creating the Kansas highway patrol staffing and training fund; law enforcement training center fund; amending K.S.A. 2015 Supp. 8-145 and 74-5619 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Ostmeyer, Petersen, V. Schmidt, Smith, Wilborn, Wolf.

Nays: Baumgardner, Denning, Hawk, Lynn, McGinn, Melcher, O'Donnell, Olson, Pettey, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

Present and Passing: Francisco, Kelly.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: While I vote "No" on **Sub SB 335**, I support our highway patrol. I agree there does need to be adjustments to their pay, but I don't think this should be out of a fee fund. We need to find the money in the state general fund. It is that important to our state.—CARYN TYSON

Senators Baumgardner, Denning, Hawk, Kelly, Lynn, O'Donnell, Pettey and Powell request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **Sub SB 335**.

**SB 338**, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2015 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-1756e, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Ostmeyer, Petersen, Pettey, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Haley, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed, as amended.

### PROTEST

*Protest by Senator Haley against Senate Bill 338*

*February 23, 2016*

In accordance with Article 2, Section 10 of the Constitution of Kansas, I, David Haley, a duly elected Senator representing the Fourth District of Kansas, herein PROTEST the action of this Legislature in the promulgation and passage of **Senate Bill 338**: An Act pertaining to Cities.

In my 23 years as a Kansas Legislator and as but one of only three attorneys in the Senate, this is the first PROTEST I have ever lodged on any measure of the thousands I have considered.

This Chamber now further denigrates real property rights to which every Kansan should be heir.

**SB 338** which purports to grant authority to cities and nonprofit organizations to petition courts to possess vacant property for rehabilitation purposes will, simply put, legalize grand theft.

The Senate **Commerce** committee as is its charge (and not the Senate **Local Government** committee where, justifiably, similar language as **SB 338** had over many years failed time and time again) recognizes and advances business and financial opportunities for our State.

First, the question of a city, redefining definitions of “abandonment” and “blight” as these terms apply to real property, land and or improvements, is the expertise of deliberations of a committee membership dedicated to the auspices of municipalities, not the principles of profit.

The principles of real property ownership should always inure to the rights of the citizen, not to a developer’s bottom line or even a desire to enhance appraised valuations for tax purposes.

Diabolical in its spawning, methodical and tenacious in its steady lurch forward, **SB 338** adheres to two tiered definitions of “abandoned property;” both ingenuous and neither accurate. One definition of “abandoned property”: vacant for 365 days and having a “blighting influence” on surrounding properties; the other definition: vacant for 90 days and 2 years tax delinquent.

There are numerous every day scenarios whereby a real property owner has in no way “abandoned” their property though that same property may be vacant for 90 to 365 days, be tax delinquent for 2 years or may have need of rehabilitation to conform to a local standard, real or perceived. But **SB 338** alleges “abandonment” and triggers governmental intrusion, harassment and potentially leads to a taking of real property by the government for the benefit of an organization which profits from the taking and kick back higher taxes to the city.

“Commerce,” yes, but a shameful way to run a citizen responsive “Local Government.”

The specious argument in favor of this legislation portends neighborhood beautification, tax viability and repopulation of or demolition and rebuilding of older houses. By eradicating “blight,” the entire community, even the city, is greatly enhanced.

With that premise, I, David Haley, could not agree more.

Today, with no need for warping and putting into statute time-honored definitions of “blight” and “abandonment” or presupposes new postulates for passages of time periods to correlate to real property owners’ interests or genuine concern with their legally owned land(s), there are tools already available to every municipality to address blight. “Code enforcement” departments can post notice and bring to environmental and district court negligent property owners. Subsequent to insufficient response, steep fines and even jail time can be issued now. Today in current statute, a property with two or more years of delinquent property taxes may be sold by the Sheriff of each Kansas County in a “Delinquent Property Tax Sale” also known as a “Sheriff’s” sale or as property “sold on the Courthouse steps.” Again, these are current tools available to curb or cure blight and to put real property into fiscally responsive ownership.

The property rights of legal property owners should not be infringed upon by this Legislature.

Marginal or fragile property owners (traditionally average income or poor property owners attempting to hold on to inherited property or an entrepreneurial hope structure as often found in inner cities) will be set upon by keen-eyed, out of county based developers sheltered by an industrious “not-for-profit” which uses the city and district court as the leverage to harass and ultimately take the land, all in the name of “civic pride” or “community betterment.” Theft.

The late Kansas City, Missouri civil rights leader Bernard Powell (1947-1979) envisioned and warned of the transfer of inner city property back into the same hands of those who fled the same a half century or more ago to the sanctity of the suburbs. Bernard Powell predicted the day would come when government, and the tools they elect and hire, will work hand-in-hand with “robber barons” to turn those out; those who have despaired in neglected, under represented, often high crime, poorly educated neighborhoods, those who have weathered poverty, hard times, civic and civil harassment but yet held a real property interest, a “piece of the pie”...to force them out. Bernard Powell spoke of prosperity returning to the inner city and nothing being tendered to the people who had paid the price for the most sought after of land.

He called it government assisting the turning of the “ghetto into a goldmine.” How prophetic.

Here I sit, practically alone in my opposition to this expansion of eminent domain targeted at poorer property owners ill equipped to “fight City Hall,” in this Kansas Senate and watch this unfold. Again, **SB 338** came out of the **Commerce** committee as well it should.

Government has redefined terms before to shape shift often dastardly need to justify ill deeds.

I remember efforts to redefine “blight” for economic purposes in another eminent domain taking for use in building the Kansas Speedway and Legends in Wyandotte County. Succinctly, the new definition of “blight” was the ability for exponentially more taxes to be levied against the future use of the land than that which the owner who it was being taken from could be expected to pay in its current use. Remnants of that

economically fascist philosophy resonate in **SB 338**. As more people flee the “golden ghettos” of suburbia, the inner city “ghettos” will be repopulated and turned into “goldmines” at the expense I fear, once again, of the poor and unsuspecting. Ironically, we celebrated and honored some of our Korean and Vietnam War heroes today in the Senate Chamber. Was the freedom to own real property without fear of unwarranted government intrusion something for which they fought?

I protest the passage of **Senate Bill 338** as is my Constitutional right as a Kansas State Senator under Article Two, Section 10 of the *Kansas Constitution* for reasons, beliefs afore-listed as well as others not so and hereby vow to continue to assist unnecessarily embattled real property owners in my home District as we together will face the challenges that this bill, when signed into law, will undoubtedly bring.

**SB 362**, AN ACT concerning the criminal justice information system; relating to electronically stored information; hearsay exception for official record, authentication of record; amending K.S.A. 60-465 and K.S.A. 2015 Supp. 22-4701, 22-4705 and 60-460 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed.

**SB 365**, AN ACT concerning economic development of environmentally contaminated property; relating to liability for cleanup costs; enacting the contaminated property redevelopment act, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Arpke, Kelly, Love, Tyson.

The bill passed, as amended.

**SB 366**, AN ACT relating to economic development; concerning price controls on the purchase or sale of private residential or commercial property; amending K.S.A. 12-16, 120 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle.

Nays: Francisco, Hawk, Holland, Pettey, Wilborn, Wolf.

The bill passed.

## EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 366**. While I understand that the legislature may want to put limits on inclusionary zoning, this bill is an infringement upon a city's home rule authority to address its local needs. The language is so broad that it may eliminate other opportunities for communities to address issues of affordable housing. My question asking what was the reason for the change from a "property" interest to an "ownership" interest in the statute was not answered during our debate. I hope that House deliberation and action on this bill will address my concerns.—MARCI FRANCISCO

Senator Holland requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 366**.

**SB 374**, AN ACT concerning sureties; relating to justification and approval; amending K.S.A. 22-2806 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Fitzgerald, Pilcher-Cook.

The bill passed, as amended.

**SB 387**, AN ACT concerning financial institutions; relating to certain savings account promotions; state bank commissioner; credit union administrator, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 391**, AN ACT concerning visual depictions of children; creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child; prohibiting offender registration for such crimes; also relating to sexual exploitation of a child; amending K.S.A. 2015 Supp. 21-5510 and 22-4902 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 392**, AN ACT concerning criminal procedure; relating to the uniform mandatory disposition of detainer act; notice; amending K.S.A. 22-4302, 22-4306 and 22-4308 and K.S.A. 2015 Supp. 22-4301, 22-4303 and 22-4304 and repealing the existing sections; also repealing K.S.A. 22-4307, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 402**, AN ACT concerning healthcare and healthcare providers; relating to continuing education credits for gratuitous care; application of the Kansas tort claims act; amending K.S.A. 75-6115 and K.S.A. 2015 Supp. 65-1431, 65-2809 and 75-6102 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 407**, AN ACT concerning civil commitment of sexually violent predators; reviving K.S.A. 59-29a18, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 408**, AN ACT concerning abuse, neglect and exploitation of persons; relating to reporting and investigation; duties and powers of attorney general, law enforcement and department of corrections; amending K.S.A. 2015 Supp. 38-2223, 38-2226 and 75-723 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 410**, AN ACT concerning the revised Kansas code for care of children; authorizing a CARE family pilot program for foster care; amending K.S.A. 2015 Supp. 38-2218 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Pettey, V. Schmidt, Wolf.

Present and Passing: O'Donnell.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 410** for several reasons. First, this bill creates an unprecedented general fund demand transfer entitlement for those qualified for the CARE foster child program. Second, this bill provides for per pupil state aid based on enrollment which was repealed by this Legislature last year when the block grant school funding plan was adopted. This state aid would be reimbursed to CARE foster parents in the form of a voucher for their actual expenses in educating foster care students at home. Finally, I find it ironic that a vast majority of Senators are willing to restrict alcohol, tobacco and drug use in CARE foster homes because they are dangerous, but were not willing to require that firearms be kept out of the reach of children. Rejecting this common sense policy on the basis of politics is shameful and ignores the importance of keeping children safe in their home. And actually, I don't find this ironic – I find it the height of hypocrisy.—ANTHONY HENSLEY

Senators Faust-Goudeau, Francisco, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 410**.

Mr. Vice President: **SB 410** establishes a new and different category of foster care, as a pilot program. It enables the Department for Children and Families to develop this alternative approach using highly trained, volunteer families, giving them additional tools to nurture children in need of care. I vote "Yes" on **SB 410**.—FORREST KNOX

Mr. Vice President: I vote "No" on **SB 410**. This bill establishes select criteria for one group of foster families which could jeopardize \$20 million of Title IV-E Foster Care funding and implies that foster care families that are compensated are only in it for the money. **SB 410** also establishes an education voucher without any real concern for the quality of education for our children most in need. Kansas desperately needs more foster care families this is not the way to address that need.—PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 410**.

**SB 415**, AN ACT concerning legislative review of exceptions to disclosure of public records; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 419**, AN ACT concerning insurance; relating to mutual insurance companies organized to provide healthcare liability insurance; affiliate transfer policies, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 438**, AN ACT concerning insurance; relating to property and casualty insurance; policy renewals, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**Sub SB 440**, AN ACT concerning the judicial branch; relating to the supreme court, general administrative authority; amending K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A. 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections; also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110, 20-111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161, K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived by section 7 of this act, 20-319, as amended by section 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342, as revived by section 9 of this act, 20-342, as amended by section 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by section 10 of this act, 20-343, as amended by section 13 of chapter 82 of the 2014 Session Laws of

Kansas, 20-345, as revived by section 11 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section 14 of this act, 20-349, as amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917, 20-2909, as amended by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as amended by section 21 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of this act, 20-3011, as amended by section 22 of chapter 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019 and 25-312a, as amended by section 25 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-5551, as amended by section 41 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holland, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Ostmeyer, Petersen, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Faust-Goudeau, Hensley, Knox, O'Donnell, Olson, Pettey, Pyle, Tyson.

Present and Passing: Francisco, Hawk, Kelly.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: **Sub SB 440** amends, repeals or revives roughly 70 statutes having to do with the operations of the judicial branch. A bill of this magnitude deserves thorough review and careful study, as was requested by the Office of Judicial Administration. Instead, this bill was rushed through the process in an attempt to send yet another political message to the courts, in the wake of the *Solomon v. Kansas* ruling. While the intent of the bill may be positive, I don't believe anyone fully understands the ramifications of the changes proposed in the bill. Therefore, out of caution that we do not place any unforeseen burdens on Kansans seeking access to or redress in the courts, I vote "No" on **Sub SB 440**.—ANTHONY HENSLEY

Mr. Vice President: In considering the separation of power that exists in our three branches of government, I have come to view checks and balances as extremely important. There are no kings in Kansas. Each branch must submit to the others in a complex net, which is in fact a safety net and keeps our system of government from collapse. The Executive, Legislative, and Judicial branches are not completely independent of each other. I believe that **Sub SB 440** hands too much independence to the judicial branch, ripping the net, and I vote "No."—FORREST KNOX

**SB 449**, AN ACT concerning psychiatric health; relating to professions regulated by the behavioral sciences regulatory board; prohibiting outsourcing of operations or facilities of state psychiatric hospitals; amending K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, McGinn, O'Donnell, Olson, Ostmeyer, Pettey, Powell, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Lynn, Masterson, Melcher, Petersen, Pilcher-Cook, Pyle.

The bill passed, as amended.

**SB 453**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; early release from incarceration, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

## COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

**SB 393, SB 426** be passed.

**SB 418** be amended by motion of Senator Knox: on page 27, following line 16, by inserting:

"New Sec. 14. (a) There is hereby established in the state treasury the juvenile out-of-home placement education fund to be administered by the secretary for the department of children and families. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee. All moneys credited to the juvenile out-of-home placement education fund shall be expended for the purposes of providing for the education of children placed pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code.

(b) The court shall notify any school district when a child has been placed pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and is no longer attending a school in such school district. Upon receipt of such notification, for any month during the current school year in which such child is not enrolled in such school district as of the first day of such month, such school district shall remit to the secretary an amount equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. Such remittance shall be made on the first business day of such month. The secretary shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the juvenile out-of-home placement education fund.

(c) For purposes of this section and for calculating enrollment, a resident school district shall not count any student placed pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and not enrolled in a school district as a pupil of such resident school district. As used in this subsection, the term "resident school district" means the school district in which the student resides and would otherwise be enrolled.

New Sec. 15. (a) If a child is enrolled by the licensed person or entity in a school district that is different than the school district in which the child was enrolled at the commencement of the current school year, then the school district in which the child is enrolled by such licensee shall be paid by the secretary from the juvenile out-of-home placement education fund a monthly amount that is equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. The school district shall only be paid for those months in which the child is enrolled in the school district as of the first day of the month. Payments shall be made by the secretary to the school district on the first day of the month or as soon thereafter as sufficient moneys are available in the juvenile out-of-home placement education fund.

(b) This section shall be part of and supplemental to the revised Kansas code for care of children.

New Sec. 16. (a) If a child is enrolled by the licensed person or entity in a school district that is different than the school district in which the child was enrolled at the commencement of the current school year, then the school district in which the child is enrolled by such licensee shall be paid by the secretary of the department for children and families from the juvenile out-of-home placement education fund a monthly amount that is equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement

contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. The school district shall only be paid for those months in which the child is enrolled in the school district as of the first day of the month. Payments shall be made by the secretary to the school district on the first day of the month or as soon thereafter as sufficient moneys are available in the juvenile out-of-home placement education fund.

(b) This section shall be part of and supplemental to the revised Kansas juvenile justice code.";

And by renumbering sections accordingly;"

And the bill be passed as further amended.

**SB 326** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**SB 367** be amended by the adoption of the committee amendments, be further amended by motion of Senator Smith: on page 3, following line 18, by inserting:

"(j) This section shall take effect on and after July 1, 2017."

**SB 367** be further amended by motion of Senator Smith: on page 38, in line 37, before "or" by inserting:

"(B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2015 Supp. 38-2364, and amendments thereto;"

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

On page 41, in line 17, after "if" by inserting a colon; in line 19, before "the" by inserting "(1)"; in line 23, after "limit" by inserting "; or"; in line 26, before the period by inserting "(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code";

On page 51, in line 11, before "has" by inserting "or classification as an extended jurisdiction juvenile";

On page 57, in line 42, before "Except" by inserting "(1)";

On page 59, following line 24, by inserting:

"(2) At any time after commencement of proceedings under this code against a juvenile offender for an offense which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony, and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2015 Supp. 38-2356, and amendments thereto, the county or district attorney or the county or district attorney's designee may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution.

(3) If the county or district attorney or the county or district attorney's designee files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution, the burden of proof is on the prosecutor to prove the juvenile should be designated as an extended jurisdiction juvenile.";

Also on page 59, in line 41, before the period by inserting "as the result of the juvenile being prosecuted under an extended jurisdiction juvenile prosecution";

On page 60, in line 9, before the comma by inserting "or designating the proceeding as an extended jurisdiction juvenile prosecution"; in line 12, before the semicolon by inserting "or designating the proceeding as an extended jurisdiction juvenile prosecution"; in line 33, before the period by inserting "or extended jurisdiction juvenile prosecution"; in line 40, before "The" by inserting "(1)";

On page 61, following line 35, by inserting:

"(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the court finds from a preponderance of the evidence that the juvenile should be prosecuted under an extended jurisdiction juvenile prosecution.

(3) After a proceeding in which prosecution as an adult is requested pursuant to subsection (a)(2), and prosecution as an adult is not authorized, the court may designate the proceedings to be an extended jurisdiction juvenile prosecution.

(4) A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. Each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in such court's jurisdiction.";

On page 71, following line 12, by inserting:

"Sec. 42. K.S.A. 2015 Supp. 38-2364 is hereby amended to read as follows: 38-2364. (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) Impose one or more juvenile sentences under K.S.A. 2015 Supp. 38-2361, and amendments thereto; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender ~~not violate~~ substantially comply with the provisions of the juvenile sentence and not commit a new offense.

(b) When it appears that a person sentenced as an extended jurisdiction juvenile has violated one or more conditions of the juvenile sentence or is alleged to have committed a new offense, the court, ~~without notice, may revoke the stay and juvenile sentence and direct that the juvenile offender be immediately taken into custody and delivered to the secretary of corrections pursuant to K.S.A. 2015 Supp. 21-6712, and amendments thereto. The court~~ shall notify the juvenile offender and such juvenile offender's attorney of record, in writing by personal service, as provided in K.S.A. 60-303, and amendments thereto, or certified mail, return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. ~~If the juvenile offender challenges the reasons,~~ The court shall hold a hearing on the issue at which the juvenile offender is entitled to be heard and represented by counsel. After the hearing, if the court finds by a preponderance of the evidence that the juvenile committed a new offense or violated one or more conditions of the juvenile's sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2) or, upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court may modify the adult sentence previously ordered pursuant to subsection (a)(2). Upon such finding, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. The juvenile offender shall be

credited for time served in a juvenile correctional or detention facility on the juvenile sentence as service on any authorized adult sanction.

(c) Upon becoming 18 years of age, any juvenile who has been sentenced pursuant to subsection (a) and is serving the juvenile sentence, may move for a court hearing to review the sentence. If the sentence is continued, the court shall set a date of further review in no later than 36 months.";

Also on page 71, in line 17, before the comma by inserting "or under the extended jurisdiction juvenile prosecution"; in line 26, before the comma by inserting "or under the extended jurisdiction juvenile prosecution";

On page 85, in line 31, before the period by inserting "unless the juvenile was sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order";

On page 112, in line 21, before "38-2366" by inserting "38-2364,"; in line 29, by striking "38-2364,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the second comma by inserting "38-2364,"; in line 10, by striking all after "38-2335";

And **SB 367** be passed as further amended.

The committee report on **SB 277** recommending **Sub SB 277** be adopted, and the substitute bill be passed.

**SB 342, SB 363, SB 379, SB 388; Sub SB 428; SB 454; HB 2438** be passed over and retain a place on the calendar.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **SB 250**.

**SB 250**, AN ACT concerning state building construction; relating to the monthly reports of progress; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for various state agencies; concerning the Docking state office building; amending K.S.A. 2015 Supp. 75-1264 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub SB 277; SB 326, SB 367, SB 393, SB 418** and **SB 426** were advanced to Final Action and roll call.

**Sub SB 277**, AN ACT concerning alcoholic beverages; relating to microbreweries; authorizing the production of hard cider; amending K.S.A. 2015 Supp. 41-102 and 41-308b and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**SB 326**, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2015 Supp. 41-308b and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**SB 367**, AN ACT concerning children and minors; relating to juvenile justice; amending K.S.A. 12-4112 and 20-167 and K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, 38-2202, 38-2232, 38-2242, 38-2243, 38-2260, 38-2288, 38-2302, 38-2304, 38-2313, 38-2325, 38-2330, 38-2331, 38-2332, 38-2342, 38-2343, 38-2344, 38-2346, 38-2347, 38-2360, 38-2361, 38-2364, 38-2366, 38-2367, 38-2368, 38-2369, 38-2371, 38-2372, 38-2373, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389, 65-5603, 72-1113, 72-8222, 72-89b03, 72-89c02, 74-4914, 75-7023, 75-7038, 75-7044, 75-7046 and 79-4803 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2334, 38-2335 and 38-2365.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Longbine, Wilborn.

The bill passed, as amended.

**SB 393**, AN ACT concerning the the Kansas family law code; relating to child custody, residency and parenting time; consideration of domestic abuse; amending K.S.A. 2015 Supp. 23-3201 and 23-3203 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 418**, AN ACT concerning children and minors; relating to children in need of care and juvenile offenders; amending K.S.A. 2015 Supp. 38-2202, 38-2210, 38-2231, 38-

2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-2310, 38-2365, 65-535 and 75-7023 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2310a.

On roll call, the vote was: Yeas 28; Nays 8; Present and Passing 4; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Longbine, McGinn, Pettey, V. Schmidt.

Present and Passing: Francisco, Holland, Kelly, Wolf.

The bill passed, as amended.

**SB 426**, AN ACT concerning violation of a consumer protection order; relating to door-to-door sales; criminal liability; forfeiture; amending K.S.A. 2015 Supp. 60-4104 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **SB 430** from the Committee on **Corrections and Juvenile Justice**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 424** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 344**, **SB 345**, **SB 422**, **SB 445**, **SB 446** from the Committee on **Public Health and Welfare**, and referred the bills to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 356** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 342**, **SB 363**; **Sub SB 428** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

The Vice President withdrew **SB 439** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SCR 1610** from the Committee on **Federal and State Affairs**, and referred to the calendar under the heading of **General Orders**.

#### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5025**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5025**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2016 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5025** was adopted by voice vote.

**ENROLLED BILLS**

**SR 1769**, **SR 1770**, **SR 1771** reported correctly enrolled, properly signed and presented to the Secretary of the Senate February 23, 2016.

**H Sub SB 161** reported correctly enrolled, properly signed and presented to the governor on February 23, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 2, 2016.

# Journal of the Senate

THIRTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 2, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 37 senators present.  
Senators Haley, Love and McGinn were excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, serving Your people is a great privilege. But as You said in Ecclesiastes 3, that life “under the sun”...“under heaven”, will be mixed with contrary times...times that waver between the pleasant and the unpleasant. We pray today for all in Hesston and for everyone around this state and country that have been touched by the tragedy that has occurred. Meanwhile, in the midst of evil, opportunities for good are being displayed. You revealed to us, in Your Word, that while we’re here on this earth, there will be contrary times of both...that life will waver between times of sadness and times of gladness. So, Lord, while we’re here on earth, having to deal with “under the sun” problems, take us THROUGH the times of grief. Help us to remember, like it says in the 23<sup>rd</sup> Psalm, that we walk THROUGH the valley of death’s shadow. Keep us from getting stuck in it. We’re perplexed when hit with pain and suffering, and we struggle with why these things happen, but Lord, You’ve made it clear that times of sorrow are inevitable. While we’re in this “under the sun” on earth time, when both good and evil are in hostile opposition to each other, we sometimes feel like pawns within the struggle...like puppets moved by the strings of nobility or the strings of wickedness. Therefore, we look forward to That Day, when You will finally put evil...all evil under Your feet...That Day, when Right and Righteousness will reign forever....That Day when we’ll no longer be “under the sun”...no longer “UNDER heaven” but in it! Meanwhile, bless us to be facilitators of Your Goodness on this earth. In the Name of Jesus, Who loved us to His own death, Amen.

The Pledge of Allegiance was led by Vice President King.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **HB 2462, HB 2545, HB 2620.**

Education: **HB 2516, HB 2567.**

Federal and State Affairs: **HCR 5008.**

Judiciary: **SB 478.**

Natural Resources: **HB 2479.**

Public Health and Welfare: **HB 2578.**

Ways and Means: **HB 2285, HB 2655.**

**MESSAGES FROM THE GOVERNOR**

**SB 133** approved on February 23, 2016.

**SB 247** approved on February 22, 2016.

**REGARDING COMPACTS WITH TRIBAL NATIONS**

In consultation with the Attorney General and the Department of Revenue, and pursuant to my authority under Article 1, Section 3 of the Constitution of the State of Kansas, I have entered into the following Compacts:

- Compact Relating to Cigarette and Tobacco Sales, Taxation and Escrow Collection with the Prairie Band Potawatomi Nation as of February 17, 2016; and
- Compact Relating to Cigarette and Tobacco Sales and Taxation with the Iowa Tribe of Kansas and Nebraska as of February 22, 2016.

I hereby give notice of these executive actions and transmit the Compacts to the Legislature for the required approvals pursuant to applicable law.

Dated: February 22, 2016

SAM BROWNBACK  
*Governor of Kansas*

**COMPACT RELATING TO CIGARETTE AND  
TOBACCO SALES AND TAXATION****ARTICLE I  
PURPOSE AND INTENT**

WHEREAS, it is in the best interests of the State of Kansas (hereinafter, Kansas) to continue to reduce the financial burdens imposed on Kansas by cigarette smoking and that said costs continue to be borne by tobacco product manufacturers rather than by Kansas to the extent that such manufacturers either determine to enter into a settlement with Kansas or are found culpable by the courts; and,

WHEREAS, On November 23, 1998, leading United States tobacco product manufacturers (hereinafter, PMs) entered into a settlement agreement, entitled the "master settlement agreement," (hereinafter, MSA) with Kansas. The MSA obligates these PMs, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to Kansas (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking; and,

WHEREAS, it would be contrary to the policy of Kansas if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that Kansas will have an eventual source of recovery from them if they are proven to have acted culpably; and,

WHEREAS, Kansas entered into a settlement agreement with certain PMs settling Kansas' obligations under the MSA and the 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement; and,

WHEREAS, as part of said settlement, Kansas has agreed to undertake certain diligent enforcement efforts of its cigarette and tobacco laws and more specifically, its MSA laws on qualified tribal land in Kansas ("*Qualified tribal land*" means: (1) *All land within the borders of this state that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;* (2) *all dependent Indian communities within the borders of this state; and* (3) *all Indian allotments in within the borders of this state, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and* (4) *any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power*); and,

WHEREAS, Kansas recognizes the importance to Kansas of forming an alliance with the Iowa Tribe of Kansas and Nebraska (hereinafter, Tribe) to assist Kansas in its diligent enforcement efforts; and,

WHEREAS, Kansas further recognizes that the Tribe will incur certain economic costs in assisting Kansas in its diligent enforcement efforts for which the Tribe should not be required to endure; and,

WHEREAS, it is altogether just and proper that Kansas compensate the Tribe for its assistance to Kansas in Kansas' diligent enforcement obligation under the MSA and the 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement; and,

WHEREAS, the Tribe is a federally recognized Indian Tribe with its reservation located within the geographical boundaries of the State of Kansas, possessing inherent powers of self-government, exercising sovereign powers over its members and their property within the boundaries of the Tribe's reservation, as defined and recognized by treaty and federal laws and federal court decisions, and recognized by state laws and state court decisions, and that it has responsibilities and needs similar to those of state governments; and,

WHEREAS, the State of Kansas is an independent sovereign state within the United States of America possessed of full powers of state government, possessing inherent powers of self-government, exercising sovereign powers over its citizens and their property within the boundaries of the state, as defined and recognized by federal laws and federal court decisions, and recognized by state laws and state court decisions, and that it has responsibilities and needs similar to those of the national government; and,

WHEREAS, Kansas and the Tribe respect the sovereignty of the other, and recognize and support each others governmental responsibilities to provide for and govern its citizens, members and territory; Kansas recognizes the Tribe's inherent sovereign right to existence, self-government and self-determination; the Tribe recognizes the Kansas' inherent sovereign right to existence, self-government and self-determination; and,

WHEREAS, federal and state law recognizes Kansas' authority to collect state taxes on cigarettes and tobacco products sold to non-tribal members on the Tribe's reservation, whether sold by the Tribe, or businesses owned or controlled by the Tribe, or not; and,

WHEREAS, federal law recognizes the Tribe's authority to sell cigarettes and tobacco products to its tribal members on the Tribe's reservation free from Kansas taxation.

## **ARTICLE II TERMS AND CONDITIONS**

NOW, THEREFORE, the Tribe, by and through its duly elected Executive Committee and Kansas, by and through its duly elected Governor and Legislature do hereby enter into this Compact, the terms of such Compact to commence upon approval by the Executive Committee of the Iowa Tribe of Kansas and Nebraska (the "Executive Committee"), and enactment by the Kansas Legislature and publication in the Kansas Register, to-wit:

1. Kansas and the Tribe agree that as used herein the Tribe's reservation shall mean only the land that comprises that portion of the Tribe's reservation as established by the treaty between the United States and the Tribe dated the seventeenth day of May, 1854, that: (a) is within the boundaries of the State of Kansas; and, (b) is unaffected by the treaty between the United States and the Sauk and Foxes dated the sixth day of March, 1861, to the extent such treaty reduced the land set aside for the Tribe pursuant to the prior treaty dated the seventeenth day of May, 1854, and specifically excludes any portion of the Tribe's reservation that is not within the boundaries of the State of Kansas.

For the purposes of this Compact, the Tribe's reservation shall also not include any lands that are inside the boundaries of the State of Kansas, but are outside the boundaries of the Tribe's reservation established by the 1854 Treaty that have been, or may at any time be taken into trust by the United States.

2. Unless otherwise expressly stated, Kansas and the Tribe agree that K.S.A. 2015 Supp. §50-6a01, and amendments thereto, and K.S.A. 2015 Supp. §79-3301, and amendments thereto apply to the provisions of this Compact. For the purposes of this Compact, only, and for no other purpose whatsoever, Kansas and the Tribe agree that the Tribe's Treaties with the United States do not exempt, exclude or reserve the Tribe's land from the boundaries of Kansas. For the purposes of this Compact, only, and for no other purpose whatsoever, the Tribe's Reservation is within the State of Kansas.
3. Tribe agrees to not purchase any cigarettes or tobacco products from any distributor, manufacturer, importer or wholesale dealer not licensed by Kansas for sale by the Tribe in Kansas, nor offer for sale in Kansas, possess for sale or import into Kansas for sale, cigarettes of a cigarette product manufacturer brand family not included in the directory maintained by the Kansas Attorney General. The Kansas Attorney General shall give the Tribe written notice to discontinue sale of any cigarettes or tobacco products being sold by the Tribe that are not included in the directory. The Tribe shall have ninety (90) days from and after receipt of the written notice within which to sell or otherwise dispose of the Tribe's existing inventory of the product(s) subject of such notice. The Tribe shall not order new or replacement inventory of the product(s) subject of the notice within such ninety (90) day period. Nothing in this section shall prohibit the Tribe from licensing and regulating any distributor, manufacturer, importer or wholesale dealer doing business with the Tribe on its reservation, but the Tribe recognizes that its exercise of regulatory authority over a distributor, manufacturer, importer or wholesale dealer does not preempt Kansas from also exercising its regulatory authority over the same distributor, manufacturer, importer or wholesale dealer, including, where applicable, the power to tax. Except for "Sacred Tobacco," which shall not be subject to the terms of this Compact, Tribe agrees that if it manufactures, or authorizes the manufacture of cigarettes or tobacco products on its reservation for sale in Kansas such products shall be subject to the terms of this Compact. For purposes of this Compact, Sacred Tobacco shall mean *nicotiana quadrivalvis* and *nicotiana rustica* neither of which is a controlled substance or otherwise regulated by Kansas or Federal Law.
4. Tribe will be responsible for regulating and enforcing Compact with respect to sales at retail of cigarettes and tobacco products in Tribe's retail outlets on the Tribe's reservation.
5. Tribe will require all sales of cigarettes and tobacco products on Tribe's reservation to be conducted pursuant to a valid retail license issued by the Tribe.
6. Tribe agrees to require all cigarettes and tobacco products provided for sale on the Tribe's reservation will only be acquired from manufacturers compliant with Kansas statute and on the Attorney General's approved list.

7. Kansas and the Tribe agree that each pack of cigarettes the Tribe sells in Kansas shall bear a joint Kansas-Tribal tax stamp that will be designed jointly by the Tribe and Kansas.
  - a. Said stamp shall bear the name “Iowa Tribe” and “Kansas” and a logo in a form and color mutually agreeable to both the Tribe and Kansas;
  - b. Kansas shall cause said stamps to be produced at its sole expense;
  - c. Kansas and the Tribe shall select a mutually agreeable in-state third party distributor, and the Tribe shall cause all cigarettes it purchases for sale in Kansas to be shipped to said third party distributor at its sole expense;
  - d. Kansas shall provide said joint Kansas-Tribal stamps to said third party distributor who shall be responsible for affixing said Kansas-Tribal stamps on all cigarettes to be sold by the Tribe in Kansas;
  - e. Said third party distributor shall ship all cigarettes bearing joint Kansas-Tribal stamps to the Tribe at the Tribe’s sole expense; and,
  - f. The costs incurred by the Tribe associated with this paragraph shall be added to the economic costs of the Tribe in Paragraph Fifteen (15) below that Kansas agrees is part of the diligent enforcement expenses for which it must reimburse the Tribe.
8. Tribe agrees to collect and timely share with Kansas, subject to third party audit, data regarding retail sales by Tribe on Tribe’s reservation. Data shall be collected and provided to the Kansas Department of Revenue, at the Tribe’s sole expense, on a monthly basis in a manner that conforms to data provided to Kansas by all other entities that currently collect and file data with Kansas, and shall be filed electronically in a format as required by Kansas of all other reporting entities.
9. Tribe and Kansas shall select a third party auditor for purposes of verifying compliance with this Compact. For purposes of verifying compliance with this Compact, the parties agree to jointly retain said Auditor and shall each bear fifty percent (50%) of the costs of the auditing services. The Auditor must possess a valid Kansas Permit to Practice issued by the Kansas Board of Accountancy. The Tribe and State shall be entitled to freely communicate with the Auditor. The Auditor will review records on an annual calendar year basis and issue an annual report and certification as provided herein.
  - a. Audit Protocol. To verify compliance with this Compact, the Auditor must adhere to the following protocol:
  - b. Period Under Review. The Auditor must review records for the calendar year under audit and may review records for earlier years that are after the Effective Date but only as necessary for an internal reconciliation of the relevant books. Subject to the foregoing, records relating to any period before the Effective Date are not open to review. In situations where the Auditor is responsible for verifying records on less than an annual basis, the period under review shall not include years previously reviewed by the Auditor, except when a violation is alleged to have occurred during the period previously reviewed.
  - c. Records to be Examined. The Auditor must review records and invoices of stamp purchases, records and invoice of sales of stamped

- cigarettes, stamp inventory, the stamping process, products sold, product inventory records, and such additional records as are necessary to verify (1) the Units Sold (2) the retail selling price, including application of Tribal sales and excise taxes, and (3) procedures demonstrating the Tribe's compliance with this Compact, all with respect to sales of Cigarettes by the Tribe. In all situations, the Auditor is not responsible for examining, and shall not examine, records that do not relate to the stamping, selling, or taxing activities of the Tribe.
- d. **Audit Report and Certification.** After each annual audit, the Auditor shall issue an audit report and a certification, as further described below, with respect to compliance with this Compact. The annual audit report shall set forth the total Units Sold attributable to each manufacturer by the Tribe during the relevant period. The annual audit report shall also include a certified statement of the Auditor to the Kansas Attorney General that the Auditor finds the Tribe to be in compliance with this Compact or else that the Tribe is in compliance except for specifically listed items that are explained in the annual report.
  - e. **Audit Schedule.** Audit reviews shall take place following each calendar year (or portion thereof) during the term of this Compact, with an audit report submitted no later than April 1 following such calendar year.
  - f. **Joint Audit Implementation and Review.** The Tribe and the State shall meet jointly with the Auditor prior to the beginning of each annual audit. The purpose of such meeting will be to discuss the objectives of the upcoming audit, the expectations of the Tribe and of the State, the standards to be used in such audit, and any issues regarding conduct of the audit, records pertinent to the audit or the contents of the Auditor's report. The Tribe and State agree that the report will audit the processes, controls and the supporting documentation of the Tribe's purchases and sales of cigarettes and tobacco products using both Generally Accepted Auditing Standards and Generally Accepted Accounting Principles. Subsequent meetings before and during the audit may be held as required. As soon as practicable after the issuance of the Auditor's report and certification, the Tribe and the State may meet jointly with the Auditor as often as required to review the audit report and discuss any issue of concern. In the event that either the Tribe or the State disagrees with the Auditor's report or certification, or any audit finding contained therein, either Party may notify the other of the disagreement and follow the procedures for resolution of the disagreement in Article III, Paragraph 1 of this Compact.
  - g. Tribe agrees that Kansas is allowed to enter its retail outlets and inspect its cigarette stock, invoice and inventory of tax indicia on hand to insure that the cigarettes offered by Tribe for sale in Kansas are solely brands that are on the Attorney General's approved list and bear Kansas tax indicia. Any cigarettes found for sale at Tribe's retail outlets that are not on the Attorney General's approved list or bearing

- Kansas tax indicia shall be jointly removed by the Tribe and Kansas and destroyed.
10. Tribe shall enjoy exclusive cigarette and tobacco excise tax on all cigarette and tobacco sales by Tribe on Tribe's reservation. As part of the consideration for this Compact, Kansas agrees that cigarette and tobacco sales on the Tribe's Reservation shall not be subject to the Kansas cigarette and tobacco excise tax.
  11. The Tribe has the right to impose its tribal tax on its members on its reservation and the Kansas cigarette and tobacco tax does not apply on said sales. Kansas has the right to impose its cigarette and tobacco taxes on the wholesale dealer of first receipt, and the Tribe's tax does not preempt or otherwise impede or interfere with Kansas' tax.
  12. Kansas and the Tribe jointly agree to waive their respective rights to taxation identified in paragraph 11 above, and instead, agree to apply paragraphs 11 and 13 herein.
  13. Tribe's cigarette tax shall be no lower than 17 cents per individual pack of cigarettes, or \$1.70 per carton of ten (10) packs of cigarettes for the term of this Compact.
  14. Kansas agrees to reimburse the Tribe for the economic cost incurred by the Tribe in assisting the Kansas in its ongoing diligent enforcement efforts under the MSA and 2012 Term Sheet Settlement. Reimbursement shall be as follows:
    - a. \$30,000.00 to be received by the Tribe on or before the end of each calendar quarter (March 31, June 30, September 30 and December 31) during the initial five (5) year term of this Compact.
    - b. In the event this Compact continues for additional five (5) year terms, the quarterly payment amount shall be increased fifteen percent (15%) over the quarterly payment amount payable during the immediately prior five (5) year period.
  15. As additional consideration to reimburse the Tribe for the economic cost incurred by the Tribe in assisting the State in its ongoing diligent enforcement efforts under the MSA and the 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement, the following shall be exempt from tax imposed by the Kansas Retailers' Sales Tax Act, K.S.A. 79-3601 *et seq.* and amendments thereto: all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the Iowa Tribe of Kansas and Nebraska, a federally recognized Indian Tribe, and used exclusively for Tribal purposes.

### **ARTICLE III GENERAL PROVISIONS**

1. Dispute Resolution
  - a. General. Each party warrants that it will use its best efforts to negotiate an amicable resolution of any dispute between the Tribe and Kansas arising from this Compact whether as to the construction or operation thereof or the respective rights and liabilities of the Tribe and Kansas thereunder. If a party perceives itself to be aggrieved under this

Compact, said party shall provide written notice of such perceived violation to the other party within thirty (30) days of the perceived violation or violations. The notice shall identify the specific Compact provision or provisions allegedly violated, or in dispute, the date or dates of violation, and shall specify in sufficient detail the asserting party's contention and all factual basis for each claim. The parties agree to cooperatively and promptly investigate and cure any such violations, to the extent possible, prior to providing a notice of breach of this Compact.

- b. Negotiation. Upon written notice by either party of being unable to cure an issue under Article III 1. A. above, the Governor and Tribe's Chairperson, or their respective designees, shall commence good faith negotiations to resolve the dispute within thirty (30) days or such longer period as mutually agreed in writing by both parties. If the Tribe and Kansas are unable to negotiate an amicable resolution of a dispute under this paragraph, then the aggrieved party shall issue a final written notice of intent to refer the matter to arbitration under this section.
- c. Arbitration. Arbitration may be initiated by any signatory to this Compact by serving written notice to the other signatories at the addresses noted herein. Within seven (7) days thereafter, each party shall notify the other party of its nominee for an arbitrator. If Tribe and Kansas can agree upon the nomination of a single arbitrator for the dispute, such person shall serve as sole arbitrator of the dispute. If the Tribe and Kansas do not agree upon the nomination of a single arbitrator, each party's nominee shall serve as arbitrator upon a panel of three, and those two arbitrators shall nominate the third to serve with them. In the event the two arbitrators fail for any reason to name the third arbitrator within two weeks after the nomination of the last nominated one of them, either nominee shall be entitled to ask the American Arbitration Society to name the third arbitrator. The arbitrators shall commence proceedings within thirty (30) days after their appointment, and hold proceedings providing each party a fair opportunity to present its side of the dispute, together with any documents or other evidence relevant to resolution of the dispute. The arbitration decision shall be signed by the arbitrators and shall be made within thirty (30) days after all evidence relevant to resolution of the dispute has been received by the arbitrators, but no later than forty-five (45) days after proceedings are commenced. The arbitration decision shall be final and binding upon the Tribe and Kansas unless, during or following completion of the arbitration proceedings, the Tribe and Kansas have met and arrived at a different settlement of the dispute.
- d. Enforcement. If enforcement of a settlement or arbitration decision becomes necessary by reason of failure of one or both parties to implement its terms voluntarily, or if one of the parties refuses to participate in arbitration as provided in this Section and the other party seeks enforcement of any provision of this Compact, the Tribe and

Kansas agree that the matter may be resolved by judicial resolution and enforcement and that venue for judicial resolution and enforcement shall be in the United States District Court for Kansas pursuant to the specific provisions of this Section.

- e. Expenses of Dispute Resolution or Judicial Enforcement Between the Tribe and Kansas. Each party shall be responsible for their own expenses of dispute resolution by arbitration or judicial enforcement, unless the parties agree otherwise.
2. Waiver of Sovereign Immunity by the Tribe and Rights to Tribal Remedies. The Tribe hereby waives its sovereign immunity, its right to require exhaustion of tribal remedies, and its right to seek tribal remedies with respect to any dispute over this Compact, subject to the following specific limitations:
    - a. Limitation of Claims. The waiver granted herein shall encompass only claims for remedies, dispute resolution by arbitration or judicial enforcement provided in this Compact, and may not encompass claims which seek monetary relief, including but not limited to damages, penalties or attorney's fees.
    - b. Time Period. The waiver granted herein shall commence upon publication of this Compact in the Kansas Register and shall continue until the date of its termination pursuant to the terms of this Compact or cancellation, except that the waivers shall remain effective for any proceedings then pending and all appeals therefrom.
    - c. Recipient of Waiver. The waiver of sovereign immunity is limited to the State of Kansas.
    - d. Enforcement. Tribe agrees to waive its sovereign immunity from a judgment or order which is final because either the time for appeal thereof has expired or the judgment or order issued by a court having final appellate jurisdiction over the matter. Tribe agrees to accept and be bound by any order or judgment of the United States District Court for Kansas or any other court having appellate jurisdiction over such Court. Further, Tribe waives its sovereign immunity as to enforcement in any federal court of any such final judgment against Tribe.
    - e. Service of Process. In any such suit, Tribe agrees that service on Tribe shall be effective if made by certified mail, return receipt requested at the addresses set forth herein.
    - f. Guarantee of Tribe Not to Revoke Waiver of Sovereign Immunity. Tribe agrees not to revoke its waiver of sovereign immunity contained in this Compact. In the event of any such revocation, Kansas may, at its option, declare this Compact terminated for breach by Tribe.
  3. Waiver of Sovereign Immunity by Kansas. Kansas hereby waives its sovereign immunity.
    - a. Limitation of Claims. The waiver granted herein shall encompass only claims for remedies, dispute resolution by arbitration or judicial enforcement provided in this Compact, and may not encompass claims which seek monetary relief, including but not limited to damages, penalties or attorney's fees.

- b. Time Period. The waiver granted herein shall commence upon publication of this Compact in the Kansas Register and shall continue until the date of its termination pursuant to the terms of this Compact or cancellation, except that the waivers shall remain effective for any proceedings then pending and all appeals therefrom.
  - c. Recipient of Waiver. The waiver of sovereign immunity is limited to the Tribe.
  - d. Enforcement. Kansas agrees to waive its sovereign immunity from a judgment or order which is final because either the time for appeal thereof has expired or the judgment or order issued by a court having final appellate jurisdiction over the matter. Kansas agrees to accept and be bound by any order or judgment of the United States District Court for Kansas or any other court having appellate jurisdiction over such Court. Further, Kansas waives its sovereign immunity as to enforcement in any federal court of any such final judgment against Tribe.
  - e. Service of Process. In any such suit, Kansas agrees that service on the Governor, Secretary of Revenue and Attorney General shall be effective if made by certified mail, return receipt requested at the addresses set forth herein.
  - f. Guarantee of Kansas Not to Revoke Waiver of Sovereign Immunity. Kansas agrees not to revoke its waiver of sovereign immunity contained in this Section. In the event of any such revocation, the Tribe may, at its option, declare this Compact terminated for breach by Kansas.
4. Attached hereto as Exhibit A and incorporated into this Compact is a copy of the Resolution of the Executive Committee of the Tribe approving this Compact including the limited waiver of sovereign immunity provisions and authorizing the Tribal Chairman to execute this Compact on behalf of the Tribe.
  5. Kansas agrees to not enter into a cigarette and tobacco compact with any Indian tribe that does not have a reservation established by treaty with the United States of America within the State of Kansas as of the date of publication of this Compact in the Kansas Register.
  6. Kansas agrees that it will fully enforce its cigarette and tobacco laws under Chapter 79 of the Kansas Statutes Annotated, and amendments thereto, including the administrative regulations pertaining thereto, and its MSA laws under Chapter 50 of the Kansas Statutes Annotated, and amendments thereto, including the administrative regulations pertaining thereto, against any retailer, distributor, wholesale dealer or manufacturer selling, importing, or delivering cigarettes or tobacco products in violation of Kansas law, including, but not limited to, not being on the Attorney General's approved list. This will include enforcement against other Indian tribes, including tribes in Kansas, unless the resident Kansas tribe has entered into a Compact with Kansas.

During the term of this compact, Kansas may enter into and be party to one or more compacts or other agreements regarding possession, transport,

distribution, or sale of cigarettes or other tobacco products, including but not limited to taxation and escrow collection, with the Kickapoo Tribe in Kansas, the Prairie Band Potawatomi Nation, or the Sac and Fox Nation of Missouri in Kansas and Nebraska. Kansas shall not enter into or be party to any such compact or agreement with any Indian Tribe during the term of this Compact, except as otherwise provided above.

7. This Compact shall expire on the last day of the month five (5) years after the Effective Date and shall be automatically renewed for consecutive five (5) year terms thereafter unless either party gives written notice to the other not less than sixty (60) days prior to the end of the then current term that it elects to terminate this Compact.
8. In the event that Kansas elects to withdraw from the MSA and the 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement, then the Tribe shall be free to withdraw from the terms of this Compact without penalty.
9. Kansas agrees that Tribe may propose an amendment to this Compact by written notice to the Governor, State of Kansas and Attorney General based upon any provision of a compact Kansas entered into with another tribe which the Tribe desires to include as a provision in this Compact. If the Kansas Legislature does not approve the proposed amendment at the Legislative Session next following the Tribe's request for the amendment, Tribe may terminate this Compact at any time thereafter by written notice to the Governor, Secretary of Revenue and Attorney General.
10. The language of all parts of this Compact shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties. It is the intent of the parties that this Compact shall be construed to reflect that the parties are of equal stature and dignity and have dealt with each other at arm's-length. Accordingly, any statutory or judicial rules concerning the construction of vague or ambiguous terms that might otherwise be used in the interpretation or enforcement of this Compact, including judicial decisions generally holding that agreements involving Indians or Indian tribes are to be construed in a manner in favor of Indians and Indian tribes, shall not obtain to the benefit or detriment of either party, nor shall the terms and conditions of this Agreement be extended by implication to the benefit or detriment of either party, it being the intent of the parties that the construction of this Compact shall be controlled by its express terms and not by implication.
11. Unless otherwise specifically noted herein, the definitions, words and terms used in this Compact shall have the same meaning as the definitions, words and terms used in Chapters 50 and 79 of the Kansas Statutes Annotated, and amendments thereto, including the administrative regulations pertaining thereto. If the definitions, words and terms used in this Compact are not found in Chapters 50 or 79 of the Kansas Statutes Annotated, and amendments thereto, including the administrative regulations pertaining thereto, then those definitions, words and terms are to be given their plain and ordinary meaning.

12. The paragraph headings contained in this Compact are for reference purposes only and shall not affect the meaning or interpretation of this Compact. If any provision of this Compact is declared or determined by any court to be illegal or invalid, that part shall be excluded from the Compact, but the validity of the remaining parts, terms, or provisions shall not be affected.
13. This Compact constitutes the entire understanding between the parties and supersedes any and all prior or contemporaneous understandings and Compacts, whether oral or written, between the parties, with respect to the subject matter hereof. This Compact can only be modified with the same formality as the original Compact.
14. Any failure by either party to enforce the other party's strict performance of any provision of this Compact will not constitute a waiver of its right to subsequently enforce such provision or any other provision of this Compact.
15. This Compact is personal in nature, and no party may directly or indirectly assign or transfer it by operation of law or otherwise. All obligations contained in this Compact shall extend to and be binding upon the parties to this Compact and their respective successors, assigns and designees.
16. Notices. All notices under this Compact shall be in writing and sent by way of certified U.S. mail to the following officials or their successors in office:

To the Tribe:

Chairperson and Executive Committee  
Iowa Tribe of Kansas and Nebraska  
3345 B Thrasher Road,  
White Cloud, KS 66094

To the Governor:

Office of the Governor  
300 SW 10<sup>th</sup> Ave., Ste. 241S  
Topeka, KS 66612-1590

To the Attorney General:

Office of the Kansas Attorney  
120 SW 10<sup>th</sup> Ave., 2nd Floor  
Topeka, KS 66612-1597

To the Kansas Department of Revenue

Secretary of Revenue  
915 SW Harrison Street, Second Floor  
Topeka, KS. 66612-1588

17. Confidentiality. All information provided hereunder to Kansas is confidential, except as Kansas is permitted under K.S.A. 2015 Supp. § 50-6a11(a) and K.S.A. 2015 Supp. § 75-5133(b)(19) to provide information for MSA and 2003 NPM adjustment settlement agreement, including the 2012 term sheet agreement purposes. All information will be provided to the Kansas Department of Revenue in the manner provided hereunder and shall be treated as confidential under K.S.A. 2015 Supp. § 75-5133.

MARCH 2, 2016

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**IN WITNESS WHEREOF**, the parties hereto have executed this Compact as of the date first above written.

<p><b>Iowa Tribe of Kansas and Nebraska</b></p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p><b>State of Kansas</b></p> <p>_____</p> <p>Sam Brownback, Governor</p>
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Resolution 16-R-06

**IOWA TRIBE OF KANSAS AND NEBRASKA  
EXECUTIVE COMMITTEE  
FEBRUARY 22, 2016**

**WHEREAS**, the Iowa Tribe Executive Committee being duly organized, met on this 22<sup>nd</sup> day February, 2016; and,

**WHEREAS**, the Iowa Tribe Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authorities provided in Sec. 1.a., Article IV – Governing Bodies; and,

**WHEREAS**, the Iowa Tribe of Kansas and Nebraska being organized and empowered by the Constitution and By-Laws (approved November 6, 1978 and amended August 27, 1989); and,

**WHEREAS**, the Executive Committee has determined that it is in best interest of the Iowa Tribe to make and enter into that certain Tax Compact with the State of Kansas, a copy of which has been submitted to the Executive Committee for review.

**NOW THEREFORE, BE IT RESOLVED:** That the Iowa Tribe of Kansas and Nebraska make and enter into the aforesaid Tax Compact with the State of Kansas which Compact includes a limited waiver of sovereign immunity; and be it further

**RESOLVED:** That Timothy N. Rhodd, the Tribal Chairman, be and he is hereby authorized and directed to execute the Compact on behalf of the Iowa Tribe of Kansas and Nebraska.

**C E R T I F I C A T I O N**

The foregoing Resolution was duly adopted this date, February 22, 2016, at a scheduled meeting of the Executive Committee, at which 4 members of the Committee were present, constituting a quorum, by a vote of 3 for; 0 against. Chairman abstained.

Attest:

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Timothy N. Rhodd, Chairman  
Iowa Tribe Executive Committee

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Anthony Fee, Secretary  
Iowa Tribe Executive Committee

**COMPACT RELATING TO CIGARETTE AND TOBACCO SALES,  
TAXATION AND ESCROW COLLECTION**

THIS COMPACT RELATING TO CIGARETTE AND TOBACCO SALES, TAXATION AND ESCROW COLLECTION (“**Compact**”) is entered into between the Prairie Band Potawatomi Nation (along with its agencies, boards, commissions and political subdivisions, the “**Nation**”) and the State of Kansas (along with its agencies, boards, commissions and political subdivisions, the “**State**”). The Nation and the State are each referred to herein as a “**Party**” and collectively referred to herein as the “**Parties.**”

**Recitals**

WHEREAS, the Nation is a federally-recognized Indian tribe possessing and exercising inherent sovereign powers of self-government, as defined and recognized by treaties, federal laws and federal court decisions, and that it has responsibilities and needs similar to other governments;

WHEREAS, the State is a state within the United States of America possessing and exercising full powers of state government, as defined and recognized by the United States Constitution, federal laws, federal court decisions, the Kansas Constitution, State laws and State court decisions, and that it has responsibilities and needs similar to other governments;

WHEREAS, both the State and the Nation recognize that pursuant to applicable law each is a sovereign with dominion over their respective territories and governments and that entry into this Compact is not intended nor shall it be construed to cause the sovereignty of either to be diminished;

WHEREAS, the Nation is situated on and occupies a federally-established Indian Reservation situated within the borders of the State;

WHEREAS, federal law recognizes that tribal jurisdiction exists on Qualified Nation Lands regarding the rights of the Nation to pass its own laws and be governed by them;

WHEREAS, it is in the best interests of both the State and the Nation to prevent disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands;

WHEREAS, each of the State and the Nation recognize the financial, cultural, educational, and economic contributions of the other;

WHEREAS, each of the State and the Nation respects the sovereignty of the other, and recognizes and supports the others governmental responsibilities to provide for and govern its citizens, members and territory; Kansas recognizes the Nation’s inherent sovereign right to existence, self-government and self-determination; and the Nation recognizes the Kansas’ inherent sovereign right to existence, self-government and self-determination;

WHEREAS, the Parties are of the opinion that cooperation between the Nation and the State is mutually productive and beneficial and recognize the need to develop and maintain good Nation/State governmental relations;

WHEREAS, it is in the best interests of the State to continue to reduce the financial burdens imposed on the State by Cigarette smoking and that said costs continue to be borne by Tobacco Product Manufacturers rather than by Kansas to the extent that such Tobacco Product Manufacturers either determine to enter into a settlement with Kansas or are found culpable by the courts;

WHEREAS, on November 23, 1998, the State became party to the MSA;

WHEREAS, certain Tobacco Product Manufacturers, which are party to the MSA, are obligated, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to State (tied in part to their volume of Sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking;

WHEREAS, it would be contrary to the policy of State if Tobacco Product Manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that State will have an eventual source of recovery from them if they are proven to have acted culpably;

WHEREAS, Kansas entered into a Secondary Settlement Agreement with certain participating Tobacco Product Manufacturers in 2012 settling State's obligations under the MSA and disputes regarding certain payment adjustments under the MSA with respect to NPMs (as that term is defined below) for calendar years 2003-2012;

WHEREAS, as part of said Secondary Settlement Agreement, State has agreed to undertake certain diligent enforcement efforts of its Cigarette and other Tobacco Product laws and more specifically, its MSA laws on Qualified Tribal Lands within the borders of State;

WHEREAS, State recognizes the importance to State of forming an alliance with Nation to assist State in its diligent enforcement efforts;

WHEREAS, State further recognizes that the Nation will incur certain economic costs in assisting State in its diligent enforcement efforts which Nation should not be required to endure;

WHEREAS, it is altogether just and proper that State compensate the Nation for its assistance to State in State's diligent enforcement obligation under the MSA and the Secondary Settlement Agreement; and

WHEREAS, the State and the Nation agree that it will serve the interests of both the State and the Nation for the Nation to be able to generate revenue for governmental purposes through the collection of certain Tribal taxes in accordance with this Compact and resolve their differences regarding the State's collection of escrow on certain Cigarettes Sold on Compact Lands.

**Compact**

NOW, THEREFORE, in consideration of the foregoing recitals which are made a contractual part hereof, and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

**ARTICLE I  
DEFINITIONS**

**Section 1.01. Definitions.** Whenever used in this Compact, the following capitalized words and phrases shall have the following meanings:

“**AAA**” shall mean the American Arbitration Association.

“**Approved Manufacturer**” shall mean, subject to Section 4.02(c), a Tobacco Product Manufacturer which is (A) in compliance with the Escrow Statutes and the Fire Safety Statutes, and (B) listed on the KSAG’s directory of compliant manufacturers pursuant to K.S.A. 50-6a04(B). The KSAG’s directories of compliant Tobacco Product Manufacturers can be found on the KSAG’s website.

“**Auditor**” shall have the meaning set forth for such term in Section 6.02.

“**Business Day**” shall mean any day that the governmental offices of the Nation are open for business.

“**Carton**” shall mean a container of two hundred (200) Cigarettes, whether consisting of either eight or ten Packs.

“**Cigarette**” shall mean any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:

- (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco;
- (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette; or
- (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette described in clause (1) above.

The term “Cigarette” includes “roll-your-own” (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, Consumers as tobacco for making Cigarettes). For purposes of this definition, 0.09 ounces of “roll-your-own” tobacco shall constitute one individual “Cigarette.”

“**Compact**” shall have the meaning set forth for such term in the initial paragraph.

“**Compact Lands**” shall mean only the following Qualified Nation Lands:

- (A) those Qualified Nation Lands within the boundaries of the Nation’s reservation granted in Article 4 of the Treaty with the Potawatomi Nation, ratified July 22, 1846 (9 Stat. 853), as modified by the Treaty with the Potawatomi, ratified April 15, 1862 (12 Stat. 1191), and by the Treaty with the Potawatomi, ratified July 25, 1868 (15 Stat. 531); and
- (B) those Qualified Nation Lands described in (1) a Kansas Warranty Deed to the United States of America in trust for the Prairie Band Potawatomi Nation found in the Jackson County Register of Deeds Office in Book 305 of RB on pages 302-303, (2) a Kansas Warranty Deed to the United States of America in trust for the Prairie Band Potawatomi Nation found in the Jackson County Register of Deeds Office in Book 305 of RB on pages 587-588, (3) a Kansas Warranty Deed to the United States of America in trust for the Prairie Band Potawatomi Nation found in the Jackson County Register of Deeds Office in Book 500 on pages 234-235, and (4) a Kansas Warranty Deed to the United States of America in trust for the Prairie Band Potawatomi Nation found in the Jackson County Register of Deeds Office in Book 500 on pages 257-258.

“**Consumer**” shall mean the individual or entity purchasing or receiving Cigarettes or other Tobacco Products for final use.

“**Dispute**” shall have the meaning set forth for such term in Section 7.01(b).

“**Dispute Party**” shall have the meaning set forth for such term in Section 7.01(b).

“**Effective Date**” shall have the meaning set forth for such term in Section 3.01.

“**Escrow Statutes**” shall mean Chapter 50, Article 6a of the Kansas Statutes Annotated.

“**Fire Safety Statutes**” shall mean Chapter 31, Article 6 of the Kansas Statutes Annotated.

“**Indian Tribe**” shall mean any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

“**KDOR**” shall mean the Kansas Department of Revenue.

“**KSAG**” shall mean the Office of the Attorney General of the State of Kansas.

“**Licensed Distributor**” shall mean the Nation, any Nation Affiliate, or any individual or entity subject to the Nation’s regulatory and tax jurisdiction, in each case conducting business pursuant to a valid tobacco distributor license issued by the Nation.

“**Licensed Retailer**” shall mean the Nation or any Nation Affiliate conducting business pursuant to a valid tobacco retailer license issued by the Nation.

“**MSA**” shall mean the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States Tobacco Product Manufacturers; provided, however, that such term does not include the Secondary Settlement Agreement.

“**Nation**” shall have the meaning set forth for such term in the initial paragraph.

“**Nation Affiliate**” shall mean an entity directly or indirectly wholly owned by the Nation. Solely for purposes of this definition, the phrase “wholly owned by” means ownership of one hundred percent (100%) of an equity interest, or the equivalent thereof.

“**Nation Claim Parties**” shall mean, collectively, the Nation, the Nation Tax Commission, and any Nation Affiliate to the extent such Nation Affiliate is either a Licensed Retailer or Licensed Distributor.

“**Nation Tax Commission**” shall mean the Prairie Band Potawatomi Tax Commission, or such other successor commission, board, committee, council, department or agency charged under Nation law with administration and enforcement of Nation tax laws.

“**NPM**” shall have the meaning set forth for the term “Non-participating manufacturer” in K.S.A. §50-6a07(g).

“**Pack**” shall mean one package of either twenty (20) or twenty-five (25) Cigarettes.

“**Parties**” or “**Party**” shall have the meaning set forth for such terms in the initial paragraph.

“**PM**” shall mean a “participating manufacturer” as that term is used in the Escrow Statutes.

“**Qualified Tribal Lands**” shall mean:

- (1) All land within the borders of the State that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of way running through such reservation;
- (2) all dependent Indian communities within the borders of the State;
- (3) all Indian allotments within the borders of the State, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and
- (4) any lands within the borders of the State, the title to which is either held in trust by the United States for the benefit of any Indian Tribe or individual, or held by any Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises governmental power.

“**Qualified Nation Lands**” shall mean the Nation’s Qualified Tribal Lands.

“**Rules**” shall have the meaning set forth in Section 7.02(b).

“**Sale**” (and any correlative term, such as “**Sell**,” “**Seller**,” or “**Sold**,” shall have the correlative meaning) shall mean any sale, barter, trade, exchange, or other transfer of ownership for value of Cigarettes or other Tobacco Products, no matter how characterized.

“**Secondary Settlement Agreement**” shall mean the 2003 NPM adjustment settlement agreement, which shall include the 2012 term sheet agreement, related to the MSA and to which State is a party.

“**State**” shall have the meaning set forth for such term in the initial paragraph.

“**Tobacco Product**” shall mean any product, including any component, part, or accessory, made or derived from tobacco that is intended for human consumption through smoking, chewing or both, including but not limited to Cigarettes, Cigarette tobacco, roll-your-own tobacco, smokeless tobacco, cigars, pipe tobacco, dissolvables, gels, waterpipe tobacco, and electronic cigarettes.

“**Tobacco Product Manufacturer**” shall mean an entity that after the Effective Date directly (and not exclusively through any affiliate):

- (1) manufactures Cigarettes anywhere that such manufacturer intends to be Sold in the United States, including Cigarettes intended to be Sold in the United States through an importer;
- (2) is the first purchaser anywhere for resale in the United States of Cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or
- (3) becomes a successor of an entity described in paragraph (1) or (2).

The term “Tobacco Product Manufacturer” shall not include an affiliate of a Tobacco Product Manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) above. Solely for purposes of this definition, the term “affiliate” shall mean a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of the preceding sentence, the terms “owns,” “is owned” and “ownership” mean ownership of any equity interest, or the equivalent thereof, of 10% or more, and the term “person” means an individual, partnership, committee, association, corporation or any other organization or group of persons.

“**Units Sold**” shall mean, with respect to a particular Tobacco Product Manufacturer for a particular year, the number of individual Cigarettes Sold in the State, including, without limitation, any Cigarettes Sold on any Qualified Tribal Lands within the State, by the applicable Tobacco Product Manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, for which the State has the authority under federal law to impose excise or a similar tax or to collect escrow deposits, regardless of whether such taxes were imposed or collected by the State.

**Section 1.02. Other Definitional Provisions.**

- (a) All capitalized terms defined in this Compact shall have the defined meanings when used as a capitalized term in any certificate or other document made or delivered pursuant hereto unless otherwise defined therein.
- (b) As used herein and in any certificate or other document made or delivered pursuant hereto or thereto, accounting terms not defined in Section 1.01, and accounting terms partially defined in Section 1.01 to the extent not defined, shall have the respective meanings given to them under generally accepted accounting principles or regulatory accounting principles, as applicable. To the extent that the definitions of accounting terms herein are inconsistent with the meaning of such terms under generally accepted accounting principles or regulatory accounting principles, the definitions contained herein shall control.
- (c) The words “**hereof**,” “**herein**” and “**hereunder**” and words of similar import when used in this Compact shall refer to this Compact as a whole and not to any particular provision of this Compact; and Section, subsection, Schedule and Exhibit references contained in this Compact are references to Sections, subsections, Schedules and Exhibits in or to this Compact unless otherwise specified.
- (d) Unless otherwise specifically noted herein, any capitalized word or term used in this Compact but not otherwise expressly defined herein shall have the same meaning as the definition provided for such capitalized word or term in Chapters 50 and 79 of the Kansas Statutes Annotated as in effect on January 1, 2016.

**ARTICLE II  
GENERAL PROVISIONS**

**Section 2.01. Purpose of Compact.** The purpose of this Compact is to prevent disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands, and on other Qualified Tribal Lands to the extent set forth herein.

**Section 2.02. External Citations.** The citation to any State statute or regulation in this Compact refers to the version in effect on January 1, 2016, unless otherwise specifically provided herein or unless the Parties specifically agree in writing to a modification of the Compact.

**Section 2.03. Scope of Compact.** Unless otherwise specifically provided herein, the terms and provisions of this Compact shall only apply to Cigarettes and other Tobacco Products Sold on Compact Lands. Notwithstanding any term or provision herein to the contrary, the Parties agree and acknowledge that the terms and provisions of this Compact shall not apply in any respect, including but not limited to taxation and escrow collection, to (i) any Tobacco Product Manufacturer or manufacturer of other Tobacco Products owned or operated by Nation or any Nation Affiliate during the term

of this Compact, or (ii) the possession, transport, distribution, purchase, or Sale of Cigarettes or other Tobacco Products manufactured or imported by any Tobacco Product Manufacturer or manufacturer of other Tobacco Products, in each case to the extent described in clause (i).

### ARTICLE III EFFECTIVE DATE; TERM

**Section 3.01. Effective Date.** Subject to the prior full execution by the Parties, ratification by Nation's Tribal Council by written resolution, approval by Nation's General Council under Nation's Constitution, and ratification by State through its legislation enacted by the State Legislature and publication in the Kansas Register, this Compact shall become effective on July 1, 2016 (the "Effective Date").

**Section 3.02. Term.**

- (a) This Compact shall have an initial term of ten (10) years subject to automatic renewal for successive ten (10) year terms absent a requested revision in writing by any Party on or before August 1 in the calendar year prior to calendar year of the expiration of the then-current term. The Parties shall negotiate such requested revisions in good faith for a period ending fifteen (15) days before expiration of the then current term; *provided, however,* that if the Parties are not able to reach agreement on such requested revisions by such date, the Parties may agree to extend the then-current term beyond the expiration date for so long as the Parties agree that further negotiations are warranted; *provided, further,* that following expiration of the initial or any extended negotiation period, either Party may provide written notice of termination of the Compact effective on the later to occur of the expiration date of the then-current term or two Business Days following the date of delivery of such written notice of termination without giving effect to any extension agreed to by the Parties. In the event that the Parties reach agreement on the requested revisions, such revisions shall be reflected in an amendment to this Compact consistent with Section 8.08. In any event, the terms and provisions of this Compact shall continue to apply and the Parties shall conduct themselves accordingly until such time either that such amendment is fully executed, ratified and effective or that termination of this Compact is effective.
- (b) Notwithstanding any provision of this Compact to the contrary, in the event that State is subject to a final, binding arbitration award or decision of a court of competent jurisdiction that the State is non-compliant or has violated the terms of the MSA or Secondary Settlement Agreement due to State's compliance with its obligations under this Compact, the Parties shall attempt to negotiate amendments to this Compact for a period of not less than 90 days following State's written notice to Nation of State's desire to initiate such negotiations. The Parties acknowledge that the purpose of such negotiations would be to amend the Compact in a manner acceptable to the Parties that would permit the State to comply with the terms and provisions of this Compact, the MSA, and the Secondary Settlement Agreement. If the Parties are unable to negotiate such amendments within such negotiation

period, the State may terminate this Compact upon two weeks' prior written notice to the Nation. Termination of this Compact pursuant to this Section 3.02(b) shall not be subject to the dispute resolution provisions of Article VII.

- (c) In the event that the State is no longer subject to, or elects to withdraw from or cease performing under, the MSA and the Secondary Settlement Agreement, the Nation and the State may jointly agree in writing to terminate this Compact prior to the expiration of the then-current term. If there is any modification to relevant State law or final judicial determination by a court of competent jurisdiction that negates the escrow deposit obligations pursuant to the Escrow Statutes, the State may terminate this Compact at any time thereafter by providing thirty days' written notice to Nation.

#### **ARTICLE IV MASTER SETTLEMENT AGREEMENT PROVISIONS**

##### **Section 4.01. Nation Obligations.**

- (a) Nation shall regulate all Sales of Cigarettes on Compact Lands and may regulate Sales of other Tobacco Products on Compact Lands. As part of such mandatory regulation of Sales of Cigarettes on Compact Lands, the Nation shall require, and enforce such requirement, that:
- (i) all Sales to ultimate Consumers of Cigarettes on Compact Lands by a Licensed Retailer shall be conducted pursuant to a valid Nation tobacco retailer license;
  - (ii) all Cigarettes Sold on Compact Lands by a Licensed Retailer shall be acquired from a Licensed Distributor;
  - (iii) each Licensed Retailer shall implement and maintain processes that verify receipt of all Cigarettes on Compact Lands substantiated and supported by contemporaneously created documentation, including but not limited to invoices, bills of lading, way bills and other documents, showing Cigarettes received by such Licensed Retailer by brand, quantity, date of receipt, and from whom such Licensed Retailer received such Cigarettes;
  - (iv) each Licensed Retailer shall implement and maintain processes that verify the number of Cigarettes Sold by such Licensed Retailer to Consumers on Compact Lands by contemporaneously created documentation, including register tapes or other indicia of retail Sale generated at the point of Sale or, with respect to vending machine Sales, stocking reports, in each case showing Cigarettes Sold by brand and quantity;
  - (v) each Licensed Retailer shall provide to the Nation Tax Commission, on a timely basis, reports, data, and documentation specified in clauses (iii) and (iv) above regarding retail sales of Cigarettes on Compact Lands in form and format sufficient to enable Nation to comply with its obligations pursuant to Section

- 4(b) and Section 4(c), and shall maintain such documentation in an adequate and accessible retention system for a period of not less than three years;
- (vi) each brand of Cigarettes Sold, offered for Sale, possessed for Sale, or imported for Sale on Compact Lands by a Licensed Retailer shall be a brand of an Approved Manufacturer and, subject to Section 4.01(e), shall bear indicia of excise tax payment as provided in Section 5.02;
  - (vii) each Licensed Distributor shall apply indicia of excise tax payment as provided in Section 5.02 to each Pack of Cigarettes prior to delivery to a Licensed Retailer located on Compact Lands;
  - (viii) each Licensed Distributor shall implement and maintain processes that verify delivery of all Cigarettes to Licensed Retailers on Compact Lands substantiated and supported by contemporaneously created documentation, including but not limited to invoices, bills of lading, way bills and other documents, showing Cigarettes delivered by brand, quantity, date of receipt, and to which Licensed Retailer such Cigarettes were delivered;
  - (ix) each Licensed Distributor shall implement and maintain processes that, on a monthly basis, verify the number of items of indicia of payment of excise tax purchased from the Nation Tax Commission, as documented by a contemporaneously created, written receipt received from the Nation Tax Commission, the number of such items of indicia received by such Licensed Distributor, if different than the number purchased, the number of such items of indicia affixed to Packs of Cigarettes by such Licensed Distributor, the number of Packs of Cigarettes bearing such indicia delivered to Licensed Retailers as documented by one or more contemporaneously created, written statements from such Licensed Distributor, the number of such items of indicia that may be damaged, torn, mutilated or otherwise unusable and returned to the Nation Tax Commission, documented by a contemporaneously created, written receipt received from the Nation Tax Commission, the number of such items of indicia which are destroyed in accordance with Nation Tax Commission regulations, and the number of unaffixed items of such indicia which are on hand at such Licensed Distributor's premises, as documented by contemporaneously created, written inventory sheets;
  - (x) each Licensed Distributor shall implement and maintain processes that verify monthly beginning and ending inventories of Packs of Cigarettes bearing indicia of payment of excise tax described in Section 5.02(a), as documented by contemporaneously created, written inventory sheets showing adjustments during such month for number of Packs of Cigarettes (A) to which such indicia were affixed, (B) received with such indicia affixed, (C) returned from Licensed Retailers, and (D) Sold to Licensed Retailers;

- (xi) with respect to each Licensed Distributor that maintains premises on Compact Lands, such Licensed Distributor shall implement and maintain processes that verify monthly beginning and ending inventories of Packs of Cigarettes not bearing any indicia of payment of excise tax, as documented by contemporaneously created, written inventory sheets showing adjustments during such month for number of Packs of Cigarettes (A) received without bearing any indicia of payment of excise tax, (B) to which indicia of payment of excise tax are affixed, in the aggregate and by specific jurisdiction, (C) Sold to the United States government, and (D) returned to a Tobacco Product Manufacturer;
- (xii) each Licensed Distributor shall provide to the Nation Tax Commission, on a timely basis, reports, data, and documentation specified in clauses (viii), (ix), (x), and (xi) above regarding retail Sales of Cigarettes on Compact Lands in form and format sufficient to enable Nation to comply with its obligations pursuant to Section 4.01(b) and Section 4.01(c), and shall maintain such documentation in an adequate and accessible retention system for a period of not less than three years.

The Parties agree that United States generally accepted accounting principles (GAAP) shall, to the extent applicable, provide the appropriate standard for measuring the adequacy of the processes required by this Section 4.01.

- (b) Nation, through its Nation Tax Commission, shall collect from Licensed Retailers the documentation specified in clause (v) of Section 4.01(a), shall collect from Licensed Distributors the documentation specified in clause (xii) of Section 4.01(a), and shall retain all such documentation for a period of not less than three years.
- (c) Nation, through its Nation Tax Commission at Nation's sole expense, shall prepare and remit to KDOR data regarding Sales of Cigarettes on Compact Lands in the form and format and on the dates reasonably requested by KDOR from time to time and approved by the Nation Tax Commission, such approval not to be unreasonably withheld. Such data shall be prepared based upon the documentation gathered by the Nation Tax Commission pursuant to Section 4.01(b). Such data shall be remitted at the same frequency as comparable data is required to be submitted to the State under applicable State law by State-licensed retailers or distributors of Cigarettes.
- (d) Nation, through its Nation Tax Commission, shall implement and maintain processes that verify the number of items of indicia of payment of excise tax delivered to the Nation pursuant to Section 5.02, as documented by a contemporaneously created, written receipt received from the State, the number of such items of indicia applied to Cigarettes delivered to Licensed Retailers as documented by one or more contemporaneously created, written statements from each Licensed Distributor, the number of such items of indicia that may be damaged, torn, mutilated or otherwise unusable and returned to the State, documented by a contemporaneously created, written receipt received from the State, the number of such items of indicia on hand

from time to time at the Nation Tax Commission and each Licensed Distributor documented on contemporaneously created, written inventory sheets. Nation, through its Nation Tax Commission, shall retain all such documentation for a period of not less than three years.

- (e) On the Effective Date, the Nation Tax Commission shall seize as contraband all Cigarettes held for Sale by Licensed Retailers which do not satisfy the requirements of Section 4.01(a)(vi). Such contraband Cigarettes shall be destroyed subject to oversight by the Nation Tax Commission and KSAG. Notwithstanding any provision of this Compact to the contrary, all Packs of Cigarettes in the inventory of a Licensed Retailer on the Effective Date which bear either a Nation excise tax stamp or a State excise tax stamp shall be deemed to bear indicia of excise tax payment as provided in Section 5.02 for all purposes of this Compact.

**Section 4.02. State Obligations.**

- (a) Beginning with calendar year 2016 and each subsequent calendar year occurring in whole or in part during the term of this Compact, State will pay to Nation an amount equal to the product of (i) the total dollar amount disbursed to the State pursuant to the MSA and Secondary Settlement Agreement attributable to Sales of Cigarettes during such calendar year, multiplied by (ii) the quotient obtained by dividing (A) total PM brand Units Sold by Licensed Retailers on Compact Lands during such calendar year, by (B) total PM brand Units Sold in Kansas and on Qualified Tribal Lands, without duplication, during such calendar year. Each such payment shall be due within thirty days following State's receipt of any disbursement described in clause (i) above. Concurrently with making such payment to the Nation, the State shall provide Nation with appropriate documentation supporting computation of such payment.
- (b) If the KSAG takes the position that an Approved Manufacturer of any brand of Cigarette Sold by Licensed Retailers on Compact Lands is not in compliance with any mandatory requirement of the Escrow Statutes or of the Fire Safety Statutes, the KSAG will notify the Nation and such Approved Manufacturer. If the matter is not resolved within 30 days of such notice, the Nation Tax Commission will prohibit the Sale of that brand family by Licensed Retailers on Compact Lands until the matter is resolved.
- (c) The KSAG shall not remove any Approved Manufacturer of any brand of Cigarette Sold by Licensed Retailers on Compact Lands from its directory of compliant Tobacco Product Manufacturers pursuant to K.S.A. §50-6a04(b) (8) prior to giving notice to Nation of, and negotiations regarding, such proposed removal in accordance with Section 7.01(b). For the avoidance of doubt, the foregoing shall not require initiation or completion of arbitration proceedings prior to removal.

**ARTICLE V  
TAX PROVISIONS**

**Section 5.01. Exercise of Tax Jurisdiction.**

- (a) The Nation shall have the sole right to impose, collect, and retain Sales taxes and excise taxes on transactions conducted by Licensed Retailers and Licensed Distributors involving Cigarettes and other Tobacco Products ultimately Sold to Consumers by Licensed Retailers on Compact Lands. Further, the Nation shall have the sole obligation hereunder to impose Sales taxes and excise taxes on such transactions to the extent described herein. With respect to such Cigarettes or other Tobacco Products, the State shall not impose any Sales tax, excise tax, privilege tax, use tax, other tax, licensing fee, user fee or other fee at any point in the stream of commerce:
- (i) where the legal incidence of any such tax or fee falls on any such Consumer; or
  - (ii) which, if passed through in whole or in part to any such Licensed Retailer or Licensed Distributor, would have the effect of increasing such Licensed Retailer's or Licensed Distributor's cost of goods Sold; *provided, however*, for the avoidance of doubt, such restrictions shall not apply to escrow payments, directory fees, or any bond required under the Escrow Statutes with respect to such Cigarettes. The State shall take no affirmative action to enable or authorize any other individual or entity to take any action which, if taken directly by the State, would violate this Section 5.01(a).
- (b) Notwithstanding any provision of Section 5.01(c) to the contrary, the Nation shall levy upon the consensual Sale of Cigarettes by a Licensed Retailer to a Consumer on Compact Lands a tax computed as a percentage of the actual Sales price thereof exclusive of any rebates. For purposes of the preceding sentence, such Sales tax shall be levied at a rate no lower than the lowest of (i) five percent (5%), or (ii) the Kansas Sales tax rate in effect at the time of such Sale less 1.5%; *provided, however*, that the fixed amount computed pursuant to this Section 5.01(b) shall not be less than \$0.00. Nothing in this Compact shall prohibit the Nation, in its sole discretion, from levying Sales tax on such Sales at a rate higher than that required in the preceding sentence.
- (c) Subject to Section 5.01(d), the Nation shall levy upon the consensual Sale of Cigarettes on Compact Lands an excise tax computed from time to time as a fixed amount per Carton of Cigarettes or fractional part thereof. For purposes of the preceding sentence, such fixed amount per Carton of Cigarettes shall be no lower than the lowest of (i) the lowest excise tax rate per Carton of Cigarettes levied or imposed at the time of computation pursuant to the laws of any of the states immediately bordering the State; (ii) the excise tax rate per Carton of Cigarettes levied or imposed at the time of computation pursuant to the laws of the State less \$11.20 per Carton of Cigarettes; or (iii) the lowest aggregate excise tax rate per Carton of Cigarettes levied or imposed at the time of computation by any Indian Tribe which is party to a Cigarette/Tobacco Product compact with the State;

*provided, however,* that the fixed amount computed pursuant to this Section 5.01(c) shall not be less than \$0.01 per Carton. Nothing in this Compact shall prohibit the Nation, at its sole discretion, from levying excise tax on such Cigarettes in an amount higher than that required in the preceding sentence. Such excise tax shall be paid only once and shall be imposed on and paid by the Licensed Distributor which Sells Cigarettes to a Licensed Retailer for Sale to Consumers on Compact Lands. For the avoidance of doubt, the Nation shall not be required to levy such excise tax on any Sale of Cigarettes where the Licensed Distributor intends to Sell such Cigarettes outside Compact Lands.

- (d) Notwithstanding any other provision of this Compact to the contrary, the Nation shall levy upon the consensual Sale of roll-your-own tobacco on Compact Lands an excise tax of not less than 1% of the wholesale Sale price of such roll-your-own tobacco. Such excise tax shall be paid only once and shall be imposed on and paid by the Licensed Distributor at the time that the Licensed Distributor (a) brings or causes to be brought onto Compact Lands such roll-your-own tobacco for Sale on Compact Lands, (b) makes, manufactures, or fabricates such roll-your-own tobacco on Compact Lands for Sale on Compact Lands, or (c) ships or transports such roll-your-own tobacco to any Licensed Retailer on Compact Lands to be Sold by such Licensed Retailer on Compact Lands. For the avoidance of doubt, the Nation shall not be required to levy such excise tax on any sale of roll-your-own tobacco where the Licensed Distributor intends to Sell such roll-your-own tobacco outside Compact Lands.

**Section 5.02. Indicia of Tax; Distribution and Transport.**

- (a) The Nation Tax Commission and KDOR shall jointly design and designate indicia of payment of the excise tax levied pursuant to Section 5.01(c). Such indicia shall include at a minimum the acronym "PBPN," the word "Kansas," and an inventory control number, code or other technology in a form and color mutually agreeable to the Nation Tax Commission and KDOR. Kansas shall produce, or cause to be produced, and deliver to the Nation Tax Commission all such indicia as may be required for Nation to comply with its obligations hereunder, including but not limited to Nation's obligations pursuant to Section 4.01(a)(vi). In order to compensate State for production and delivery of such indicia, Nation shall pay to the State the fixed amount of One Hundred Fifty Thousand Dollars (\$150,000.00) on February 1, 2018 and each subsequent February 1 during the term of this Compact; *provided, however,* that Nation shall have no obligation to make such any such payment if Licensed Retailers, on an aggregate basis, do not Sell more than 175,000 Cartons of Cigarettes on Compact Lands during the immediately preceding calendar year. The Nation and the State expressly agree and acknowledge that such payments (1) constitute payments for goods and services provided by State to Nation, (2) do not represent the levy or payment of any tax imposed by the State on the Nation, any Nation Affiliate, any Licensed Distributor, any Licensed Retailer, or any Consumer, and (3) do not represent sharing of Nation tax revenues or business profits

with the State. Such payments and State's production and delivery of such indicia shall not be subject to any sales, excise or other tax imposed by either State or Nation.

- (b) For purposes of this Compact, the Parties agree that the following shall constitute contraband:
- (i) All Packs of Cigarettes, in quantities of 20 Cigarettes per Pack or more, not bearing indicia of payment of excise tax as required in this Compact and all devices for vending Cigarettes in which unstamped Packs are found;
  - (ii) all Cigarettes or Tobacco Products in the possession of a minor;
  - (iii) all property, other than vehicles, used in the retail Sale of Packs of Cigarettes described in clause (i);
  - (iv) any Cigarettes Sold, offered for Sale, or possessed for Sale on Compact Lands where such Cigarettes are not a brand of an Approved Manufacturer; and
  - (v) any Cigarettes to which tax indicia has been affixed, was caused to be affixed, or the tax paid thereon as required by Section 5.01(c) or (d) of this Compact, where such Cigarettes are not a brand of an Approved Manufacturer.
- (c) Notwithstanding any provision of this Compact to the contrary, any Pack of Cigarettes Sold by a Licensed Retailer, in the possession of a Licensed Retailer, or in transit to a Licensed Retailer with proper bills of lading from a Licensed Distributor in each case bearing the indicia of payment of excise tax described in Section 5.02(a) shall be deemed to be bearing indicia of payment of State excise tax for all purposes of State law and, in any event, shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process on grounds of non-payment of any State tax.
- (d) Notwithstanding any provision of this Compact to the contrary, any Cigarette in the possession of a Licensed Distributor with premises on Compact Lands or which are in transit, with proper bills of lading showing shipment from the relevant Tobacco Product Manufacturer or its importer to a Licensed Distributor with premises on Compact Lands, but in either case not bearing indicia of payment of excise tax pursuant to Section 5.02(a), or for which tax has not been paid pursuant to Section 5.01(d), shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process, in each case on grounds of non-payment of State excise tax, if the related Tobacco Product Manufacturer is an Approved Manufacturer.
- (e) Any Tobacco Product, other than Cigarettes, which is in the possession of a Licensed Distributor with premises on Compact Lands or is in transit, with proper bills of lading showing shipment from the relevant manufacturer or its importer to a Licensed Distributor with premises on Compact Lands, but in either case not bearing indicia of payment of excise tax pursuant to Section 5.02(a), or for which tax has not been paid pursuant to Section 5.01(d), shall be deemed not to be a common nuisance or contraband

pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process, in each case on grounds of non-payment of any State tax.

- (f) Any Tobacco Product, other than Cigarettes described in Section 5.02(c), in the possession of a Consumer which a Consumer can demonstrate was purchased from a Licensed Retailer, shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction pursuant to State law or process on grounds of non-payment of any State tax.
- (g) In the event KSAG or KDOR has actual knowledge that any Pack of Cigarettes described in Section 5.02(c) or (d) or any Tobacco Product described in Section 5.02(e) is seized or confiscated under color of State law or process as in effect from time to time, then KSAG or KDOR, as applicable, shall transmit written notice of such seizure or confiscation to the Nation within two Business Days of first acquiring such actual knowledge.
- (h) Notwithstanding any provision of this Compact to the contrary, the possession, gift, or use on Qualified Nation Lands of noncommercial privately produced tobacco for religious or ceremonial use shall be exempt from taxation by State and may be exempt from taxation by Nation. Such tobacco shall be deemed not to be a common nuisance or contraband pursuant to State law and not subject to seizure, forfeiture, confiscation or destruction as a common nuisance or contraband pursuant to State law or process, in each case on grounds of non-payment of any State tax. For purposes of this Section 5.02(h), “tobacco” shall mean any plant, including parts or products thereof, within the genus *Nicotiana* and which does not constitute a “controlled substance” within the meaning of 21 U.S.C. § 802(6).
- (i) For purposes of this Section 5.02 only, references to “State law” mean K.S.A. § 79-3323 and the Escrow Statutes as each may be amended from time to time.

## ARTICLE VI AUDITS AND INSPECTIONS

**Section 6.01. Purpose.** The purpose of this Article VI is to provide a process for regular verification of the requirements of this Compact. The verification process is intended to reconcile data from all sources that make up the stamping, Selling, and taxing activities under this Compact.

**Section 6.02. Nation to Contract with Third Party Auditor.** The Nation and the State agree that, for purposes of verifying compliance with this Compact, the Nation will contract with and retain an independent third party auditor (the “**Auditor**”). The Nation and the State shall each bear fifty percent (50%) of the costs of the auditing services. The Nation and the State shall be entitled to freely communicate with the Auditor; *provided, however*, that all information provided to the State by Auditor shall be provided directly to KDOR. The Nation shall select the Auditor, subject to the approval of the KSAG; *provided, further*, that such approval shall not be unreasonably withheld; *provided, further*, that the Nation’s selection of any Auditor possessing a valid Kansas Permit to Practice issued by the Kansas Board of Accountancy shall be deemed

approved by the KSAG. The Auditor will review records on an annual calendar year basis to issue an annual report and certification as provided in this Article VI.

**Section 6.03. Audit Protocol.** To verify compliance with this Compact, the Auditor must adhere to the following protocol:

- (a) **Period Under Review.** The Auditor must review records for the calendar year under audit and may review records for earlier years that are after the Effective Date but only as necessary for an internal reconciliation of the relevant books. Subject to the foregoing, records relating to any period before the Effective Date are not open to review. In situations where the Auditor is responsible for verifying records on less than an annual basis, the period under review shall not include years previously reviewed by the Auditor, except when a violation is alleged to have occurred during the period previously reviewed.
- (b) **Records to be Examined.** The Auditor must review Nation Tax Commission books and records for records and invoices of stamp purchases, records and invoice of Sales of stamped Cigarettes, stamp inventory, the stamping process, products Sold, product inventory records, and such additional records as are necessary to verify (1) the Units Sold, (2) the retail Selling price, including application of Nation Sales and excise taxes, and (3) procedures demonstrating Nation's compliance with Sections 4.01 and 5.01 of this Compact, all with respect to Sales of Cigarettes by Licensed Retailers on Compact Lands. In all situations, the Auditor is not responsible for examining, and shall not examine, records that do not relate to the stamping, Selling, or taxing activities of the Nation, any Nation Affiliate, or Nation's licensees, unless a review of the records is necessary to an internal reconciliation of the books of the Nation, any such Nation Affiliate or any such licensee.
- (c) **Audit Standard.** Each audit performed pursuant to this Article VI shall be performed in accordance with generally accepted auditing standards.

**Section 6.04. Audit Report and Certification.** After each annual audit, the Auditor shall issue to KDOR and the Nation an audit report and a certification, as further described below, with respect to compliance with this Compact. The annual audit report shall set forth the total Units Sold attributable to each Tobacco Product Manufacturer by Licensed Retailers on Compact Lands during the relevant period. The annual audit report shall also include a certified statement of the Auditor to the KDOR that the Auditor finds the Nation to be in compliance with Sections 4.01 and 5.01 of this Compact or else that the Nation is in compliance except for specifically listed items that are explained in the annual report.

**Section 6.05. Audit Schedule.** Audit reviews shall take place following each calendar year (or portion thereof) during the term of this Compact, with an audit report submitted no later than April 1 following such calendar year.

**Section 6.06. Joint Audit Implementation and Review.** The Nation and the State shall meet jointly with the Auditor prior to the beginning of each annual audit. The purpose of such meeting will be to discuss the objectives of the upcoming audit, the expectations of the Nation and of the State, the standards to be used in such audit, and

any issues regarding conduct of the audit, records pertinent to the audit or the contents of the Auditor's report. Subsequent meetings before and during the audit may be held as required. As soon as practicable after the issuance of the Auditor's report and certification, the Nation and the State may meet jointly with the Auditor as often as required to review the audit report and discuss any issue of concern. In the event that either the Nation or the State disagrees with the Auditor's report or certification, or any audit finding contained therein, either Party may notify the other of the disagreement and follow the procedures for resolution of the disagreement in Article VII of this Compact.

**Section 6.07. Inspections.**

- (a) The Parties agree that, subject to the requirements and limitations of this Section 6.07, agents or employees of the Nation Tax Commission and agents or employees of KSAG and/or KDOR will conduct joint inspections of Licensed Retailers and Licensed Distributors located on Compact Lands. In connection with any such joint inspection, the Nation Tax Commission shall permit such agents or employees of the Nation Tax Commission and agents or employees of KSAG and/or KDOR to review all documentation collected and maintained by the Nation Tax Commission pursuant to Section 4.01(b) and Section 4.01(d).

The agents or employees of the Nation Tax Commission and agents or employees of KSAG and/or KDOR shall agree to a random sampling methodology for each joint inspection based on generally recognized valid and reliable sampling techniques. The Parties further agree such joint inspections shall not involve complete audits or complete inventories but shall be limited to random sample inspections of stock, tax indicia, and documentation on hand at the premises of a Licensed Retailer or Licensed Distributor, as applicable, for the purposes of verifying that all Cigarettes offered or intended for Sale by any Licensed Retailer on Compact Lands (i) are solely brands of Approved Manufacturers, (ii) were acquired from a Licensed Distributor, and (iii) bear indicia of payment of excise tax to the extent required in Section 5.02. In any event, such joint inspections shall not be disruptive of the business operations of any Licensed Retailer or Licensed Distributor.

- (b) The State reserves the right hereunder to initiate and participate in up to twelve joint inspections described in Section 6.07(a) per calendar year, with a limit of up to two (2) such joint inspections per calendar month; *provided, however,* that joint inspections of any one or more separate premises on the same Business Day shall only constitute one "joint inspection" for purposes of the preceding limitations; *provided, further,* that if the State and Nation inspection team notes any violations of this Compact by one or more Licensed Retailers or Licensed Distributors during any such joint inspection, the State may initiate, by giving notice in accordance with Section 6.07(c), one follow-up joint inspection with the Nation Tax Commission of all premises involved in such violations on a subsequent Business Day following the earlier of notice of completed cure or conclusion of any cure period pursuant to Section 7.01(a) related to such violations, with such

follow-up joint inspection not counting against the monthly or annual limits set forth in this sentence.

- (c) The Nation Tax Commission shall make its personnel available for joint inspections permitted hereunder on a Business Day between the hours of 9:00 a.m. and 4:30 p.m. upon prior email notice to the Nation Tax Commission transmitted by a representative of the State by 10:00 a.m. one Business Day prior to the requested inspection. State representatives and Nation Tax Commission representatives shall coordinate the details of the joint inspection by 3:00 p.m. on the day of such email notice. Any email notice provided to the Nation Tax Commission pursuant to the Section 6.07 shall be given at tobacco.compact@pbpnation.org, or such other email address as the Nation may specify to the State by written notice.
- (d) Any Packs of Cigarettes found for Sale at a Licensed Retailer during a permitted joint inspection that are not brands of an Approved Manufacturer or that do not bear indicia of payment of excise tax as required in Section 5.02 shall be removed by the Nation Tax Commission until the matter is resolved.
- (e) This Section 6.07 does not limit the Nation from unilateral enforcement of its laws and regulations and does not authorize the State to unilaterally conduct inspections of Licensed Retailers or Licensed Distributors on Compact Lands; *provided, however,* that the State may conduct test purchases from Licensed Retailers located on Compact Lands and may conduct unobtrusive observation of those portions of Licensed Retailer and Licensed Distributor premises located on Compact Lands which are open to the general public.

## ARTICLE VII DISPUTE RESOLUTION

### Section 7.01. General.

- (a) In the event Nation is in default of its obligations pursuant to Section 4.01, Article V or Article VI of this Compact, Nation shall cure such default within thirty days following receipt of written notice of such default from the State. Nation Tax Commission shall promptly provide written notice of completion of such cure to State. In the event Nation does not cure such default, the State may initiate dispute resolution procedures in accordance with the remainder of Article VII of this Compact.
- (b) For purposes of this Article VII, each of the State and the Nation may be referred to as a “**Dispute Party**.” Each Dispute Party warrants that it will use its best efforts to negotiate an amicable resolution of any and all disagreements, controversies or claims between any or all Nation Claim Parties and the State (each, a “**Dispute**”) arising out of or in connection with this Compact (including without limitation claims relating to the validity, construction, performance, breach and/or termination of this Compact). Negotiation pursuant to this Section 7.01(b) shall be commenced by one Dispute Party providing written notice to the other Dispute Party of the existence of a Dispute. The written notice shall provide a concise summary of the nature of the Dispute. Promptly following delivery of any such written

notice, and in no event later than thirty (30) days following such delivery, the Governor of the State of Kansas and the Nation's Chairperson, or their respective designees, shall commence good faith negotiations to resolve such Dispute(s). If the Dispute Parties are unable to negotiate an amicable resolution of any such Dispute within thirty (30) days following such commencement of good faith negotiations or such longer time period as the Dispute Parties may mutually agree in writing, either Dispute Party may submit the matter to arbitration for final resolution. Notwithstanding the foregoing or any other provision of this Compact to the contrary, either Dispute Party may immediately commence arbitration proceedings for the purpose of seeking emergency relief pursuant to the Rules addressing "Emergency Measures of Protection."

**Section 7.02. Arbitration.**

- (a) *Initiation; Selection of Panel.* Subject to the requirements of Section 7.01, arbitration may be initiated by either Dispute Party by serving written notice to the other Dispute Party and by complying with the requirements of the Rules. Within seven days following initiation of the arbitration proceedings, each Dispute Party shall notify the other Dispute Party and the AAA of its disinterested and independent nominee for an arbitrator. If the Dispute Parties agree upon the nomination of a single arbitrator for the Dispute within ten days following initiation of arbitration, such nominee shall serve as sole arbitrator of the Dispute. If the Dispute Parties do not agree to a single arbitrator, the arbitration panel shall consist of three disinterested and independent arbitrators. In that event, the two arbitrators nominated by the Dispute Parties shall nominate the third disinterested and independent arbitrator to serve with them. In the event the two arbitrators fail for any reason to name the third arbitrator within seven days, the AAA shall name the third arbitrator. In any event, such third arbitrator shall serve as chairperson of the arbitration panel. Notwithstanding the foregoing, the Rules shall govern the selection and number of arbitrators for any Dispute governed by the Emergency Measures of Protection or Expedited Procedures provisions of the Rules, or both.
- (b) *Rules; Federal Question; Choice of Law.* Except as the Dispute Parties may subsequently agree otherwise in writing, the arbitration shall be conducted and enforced in accordance with the Commercial Arbitration Rules and Mediation Procedures (the "Rules") of the ("AAA"), as such Rules may be modified by this Compact, the Federal Arbitration Act, and to the extent not preempted by the Federal Arbitration Act, the Kansas Uniform Arbitration Act. The Parties agree and acknowledge that judicial resolution and enforcement of any Dispute or a settlement or arbitration decision issued hereunder with respect thereto, involves questions of federal law. The law governing any Dispute shall be limited to applicable federal law, the common law of the United States, and Kansas law, in that order and without reference to internal conflicts of laws principles.
- (c) *Proceedings.* Any arbitration shall be conducted at a place designated by the arbitration panel in Topeka, Kansas or any other location as the Dispute

Parties may mutually agree in writing. Except for proceedings governed by the Rules on “Emergency Measures of Protection” or by the “Expedited Procedures” contemplated by the Rules, if applicable, the arbitration panel shall commence proceedings within 30 days of appointment of the final arbitrator, and hold proceedings providing each Dispute Party a fair opportunity to present its side of the Dispute, together with any documents or other evidence relevant to resolution of the Dispute. The arbitration decision shall be final and binding upon the Parties unless, during or following completion of the arbitration proceedings, the Dispute Parties have met and arrived at a different settlement of the Dispute. The arbitrators shall have the power to grant equitable or injunctive relief and specific performance of this Compact. The arbitrators shall not have the power to award monetary relief, including damages, penalties, or costs and expenses, including attorneys’ fees, to the extent not otherwise expressly permitted by the terms of this Compact. The Parties and the arbitrators shall maintain strict confidentiality with respect to the arbitration.

- (d) *Expenses.* The reasonable expenses of Dispute resolution shall be paid equally by the Dispute Parties, who shall also pay their own expenses; *provided, however,* that any Dispute Party who (1) fails or refuses to submit to arbitration following a proper demand by any other Dispute Party, or (2) fails or refuses to voluntarily comply with the terms of any settlement or arbitration decision issued hereunder, shall bear all costs and expenses, including reasonable attorneys’ fees, incurred by such other Dispute Party in compelling arbitration of any Dispute or enforcing any settlement or arbitration decision.
- (e) *Enforcement.* If enforcement of a settlement or arbitration decision becomes necessary by reason of failure of one or more Parties to implement its terms voluntarily, or if one of the Dispute Parties refuses to participate in arbitration as provided in this Section 7.02 and the other Dispute Party seeks enforcement of any provision of this Compact, the Parties agree that, subject to the limited waivers of sovereign immunity contained herein, the matter may be resolved by judicial resolution and enforcement and that venue for judicial resolution and enforcement shall be in the United States District Court for Kansas pursuant to the specific provisions of this Compact, in any other court of competent jurisdiction, and in any other court having appellate jurisdiction over any such court. In any such proceeding, service on any Dispute Party shall be effective if made by certified mail, return receipt requested to the address set forth in or otherwise designated pursuant to Section 8.06.

**Section 7.03. Limited Waivers by Nation.** The Nation hereby waives its sovereign immunity, its right to require exhaustion of tribal remedies, and its right to seek tribal remedies with respect to any Dispute, effective only if the Nation fails to implement the terms of a settlement or arbitration decision voluntarily or refuses to participate in arbitration, and subject to the following specific limitations:

- (1) *Limitation of Claims.* The limited waiver granted pursuant to this Section 7.03 shall encompass (A) claims which seek monetary relief for direct

damages attributable to Nation's breach of this Compact and for costs and expenses, including reasonable attorneys' fees, to the limited extent provided in Section 7.02(d), (B) claims for equitable remedies, and (C) actions to compel Dispute resolution by arbitration or for enforcement of a settlement or arbitration decision as provided in this Article VII. Notwithstanding the foregoing or any other provision of this Compact to the contrary, such limited waiver shall in no event extend to or encompass claims which seek indirect, incidental, special, consequential, punitive, exemplary or reliance damages (including, without limitation, lost or anticipated revenues, lost business opportunities or lost Sales or profits, whether or not any Party has been advised of the likelihood of such damages) against Nation or any Nation Affiliate, and neither Nation nor any Nation Affiliate shall be liable for any such damages.

- (2) *Time Period.* The limited waiver granted pursuant to this Section 7.03 shall commence upon the Effective Date of this Compact and shall continue until the date of its termination or cancellation pursuant to the terms of this Compact, except that the limited waiver shall remain effective for any proceedings then pending or initiated within 180 days following termination of this Compact for breach, and all permitted appeals therefrom.
- (3) *Recipient of Waiver.* The limited waiver granted pursuant to this Section 7.03 is granted to and for the sole benefit of the State, and may not be assigned or granted to any other individual or entity.
- (4) *No Revocation.* The Nation agrees not to revoke its limited waiver of sovereign immunity contained in this Section 7.03. In the event of any such revocation, the State may, at its option, declare this Compact terminated for breach by the Nation.
- (5) *Limitation Upon Damages.* Any monetary award or awards against the Nation shall be limited, in the aggregate, to an amount equal to total tax revenues and gross profits actually received by the Nation or Nation Affiliates attributable to the Sale of Cigarettes during the term of this Compact.
- (6) *Credit of the Nation and Nation Affiliates.* Except as otherwise expressly provided in this Section 7.03, the limited waiver granted pursuant to this Section 7.03 shall not implicate or in any way involve the credit of the Nation or any Nation Affiliate.

**Section 7.04. Limited Waiver by State.** The State hereby waives its sovereign immunity, effective only if the State fails to implement the terms of a settlement or arbitration decision voluntarily or refuses to participate in arbitration pursuant to this Compact, subject to the following specific limitations:

- (1) *Limitation of Claims.* The limited waiver granted pursuant to this Section 7.04 shall encompass (A) claims which seek monetary relief for direct damages attributable to State's breach of this Compact and for costs and expenses, including reasonable attorneys' fees, to the limited extent provided in Section 7.02(d), (B) claims for equitable remedies, and (C) actions to compel Dispute resolution by arbitration or for enforcement of a settlement or arbitration decision as provided in this Article VII. Notwithstanding the

foregoing or any other provision of this Compact to the contrary, such limited waiver shall in no event extend to or encompass claims which seek indirect, incidental, special, consequential, punitive, exemplary or reliance damages (including, without limitation, lost or anticipated revenues, lost business opportunities or lost Sales or profits, whether or not any Party has been advised of the likelihood of such damages) against the State, and the State shall not be liable for any such damages.

- (2) *Time Period.* The limited waiver granted pursuant to this Section 7.04 shall commence upon the Effective Date of this Compact and shall continue until the later of the date of its termination or cancellation pursuant to the terms of this Compact or the date on which the State has no surviving obligations pursuant to Section 8.02 and no surviving payment obligations pursuant to Section 4.02(a), except that the limited waiver shall remain effective for any proceedings pending on such date or initiated within 180 days following termination of this Compact for breach, and all permitted appeals therefrom.
- (3) *Recipient of Waiver.* The limited waiver granted pursuant to this Section 7.04 is granted to and for the sole benefit of the Nation (for itself and the other Nation Claim Parties), and may not be assigned or granted to any other individual or entity.
- (4) *No Revocation.* The State agrees not to revoke its limited waiver of sovereign immunity contained in this Section 7.04. In the event of any such revocation, the Nation may, at its option, declare this Compact terminated for breach by the State.
- (5) *Limitation Upon Damages.* Any monetary award or awards against the State shall be limited, in the aggregate, to an amount equal to total tax revenues and gross profits actually received by the Nation or Nation Affiliates attributable to the Sale of Cigarettes during the term of this Compact.

## ARTICLE VIII MISCELLANEOUS

### **Section 8.01. Other Compacts.**

- (a) During the Term of this Compact, State may enter into and be party to one or more compacts or other agreements regarding possession, transport, distribution, or Sale of Cigarettes or other Tobacco Products, including but not limited to taxation and escrow collection, with the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas, or the Sac and Fox Nation of Missouri in Kansas and Nebraska.
- (b) State shall not enter into or be party to any such compact or agreement with any Indian Tribe during the Term of this Compact, except as otherwise provided in Section 8.01(a).

**Section 8.02. Confidentiality.** All information provided hereunder to the State shall be provided directly to KDOR and shall be treated as confidential pursuant to K.S.A. 2015 Supp. Sections 50-6a11(e), 50-6a11(f), and 75-5133; *provided, however*, that the State is permitted to provide or share such information pursuant to K.S.A. 2015 Supp. Sections 50-6a11(a) or 75-5133(b)(19).

**Section 8.03. No Concessions.** By entering into this Compact, the Parties acknowledge and agree that, except as expressly provided herein, the Nation does not concede that: (a) the laws of the State, including any taxation or civil regulatory laws, apply to the Nation, its members or any Nation Affiliate regarding activities and conduct on Qualified Nation Lands or otherwise within the Nation's jurisdiction; or (b) the Qualified Nation Lands are located in or within the State or are otherwise part of the State. By entering into this Compact, the Parties acknowledge and agree that, except as expressly provided herein, the State does not concede that its interests, jurisdiction or sovereignty, as authorized, permitted or recognized by federal law, is diminished, limited or preempted in any manner.

**Section 8.04. Most-Favored Nation.** The State agrees that Nation may propose an amendment to this Compact by written notice to the State based upon any provision of a compact permitted by Section 8.01 which Nation desires to include as a provision in this Compact. If the State Legislature does not approved such proposed amendment at the legislative session next following the Nation's request for such amendment, Nation may terminate this Compact at any time thereafter by providing thirty days' written notice to State.

**Section 8.05. Construction.**

- (a) Each Party has received independent legal advice from its attorney(s) of choice and neither Party shall be deemed the author or drafter of this Compact. Therefore, any rule or canon of construction (whether pertaining to contracts, statutes, treaties or otherwise) that, in the case of an ambiguity, such ambiguity is construed against the author or drafter is not applicable. The language of all parts of this Compact shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the Parties. It is the intent of the Parties that this Compact shall be construed to reflect that the Parties are of equal stature and dignity and have dealt with each other at arm's-length. Accordingly, any statutory or judicial rules or canon concerning the construction of vague or ambiguous terms (whether pertaining to contracts, statutes, treaties or otherwise) that might otherwise be used in the interpretation or enforcement of this Compact, including construction of ambiguities either in favor of or against a state or Indian Tribe, is not applicable to this Compact and shall not obtain to the benefit or detriment of any Party, nor shall the terms and conditions of this Compact be extended by implication to the benefit or detriment of any Party, it being the intent of the Parties that the construction of this Compact shall be controlled by its express terms and not by implication.
- (b) The Article, Section and other headings contained in this Compact are for reference purposes only and shall not affect the meaning or interpretation of this Compact.

MARCH 2, 2016

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**Section 8.06. Notice.** Except as otherwise expressly provided in Section 6.07(c), any notices or communications required or permitted to be given hereunder shall be in writing and shall be sent by manual delivery, overnight courier or United States certified mail (postage prepaid and return receipt requested) addressed to the respective Party at the address specified below, or at such other address as such Party shall have specified to the other Parties hereto in writing.

If to the Nation:

Chairperson and Tribal Council  
Prairie Band Potawatomi Nation  
16281 Q Road, Mayetta, KS 66509

with a copy to:

Russell A. Brien  
Brien Law, LLC  
15026 114<sup>th</sup> St.  
Oskaloosa, KS 66066

If to the State:

Office of the Governor  
300 SW 10<sup>th</sup> Ave., Ste. 241S  
Topeka, KS 66612-1590

with copies to:

Office of the Kansas Attorney General  
120 SW 10<sup>th</sup> Ave., 2nd Floor  
Topeka, KS 66612-1597

and

Secretary of Revenue  
915 SW Harrison Street, Second Floor  
Topeka, KS. 66612-1588

All periods of notice shall be measured from, and such notices or communications shall be deemed to have been given and received on, the date of delivery as evidenced by the signed receipt of such notice or communication by the addressee or its authorized representative.

**Section 8.07. Limited Purpose.** Nothing in this Compact shall be deemed to authorize the State to regulate or tax the Nation, its members, or any Nation Affiliate or to interfere with the Nation's government or internal affairs. This Compact shall not alter, limit, diminish or preempt Nation, federal or State sovereignty, authority, civil adjudicatory jurisdiction or criminal jurisdiction, except as expressly provided herein. Subject to Section 2.03 and the provisions of this Compact regarding Approved

Manufacturers, nothing in this Compact shall require that the Nation, any Nation Affiliate, or any Licensed Retailer or Licensed Distributor obtain or maintain any license from, or otherwise submit to the jurisdiction of, the State. Nothing in this Compact shall constitute a stipulation by any party as to the actual boundaries of Nation’s federally-established reservation.

**Section 8.08. Entire Agreement; Amendments.** This Compact constitutes the entire understanding between the Parties and supersedes any and all prior or contemporaneous understandings and agreements, whether oral or written, between or among the Parties, with respect to the subject matter hereof. Subject to Section 8.04, this Compact can only be amended or modified with the same formality required to make the original Compact valid and enforceable.

**Section 8.09. No Assignment; Beneficiaries.** This Compact is personal in nature, and no Party may directly or indirectly assign or transfer it by operation of law or otherwise. Nothing in this Compact, express or implied, is intended to or shall confer upon any individual or entity, other than the Parties hereto, any right, benefit or remedy of any nature whatsoever under or by reason of this Compact; *provided, however,* that subject to the terms and provisions of Article VII, each Nation Claim Party (other than the Nation) is an express third-party beneficiary of this Compact.

**Section 8.10. Survival.** Upon the termination or cancellation of this Compact, the obligations of the parties hereunder shall terminate, except that the provisions of Sections 7.01, 7.02, 7.03, 7.04, and 8.02 shall survive such termination or cancellation and the State’s payment obligations pursuant to Section 4.02(a) shall survive such termination or cancellation only until satisfaction of such obligations.

**Section 8.11. Severability.** The terms, provisions, agreements, covenants and restrictions of this Compact are non-severable and, unless otherwise agreed to by the Parties, this Compact shall terminate if any term, provision, agreement, covenant or restriction in this Compact is held by a court of competent jurisdiction or other authority to be invalid, void, or otherwise unenforceable. In the event either Party has actual knowledge that the validity or enforceability of this Compact or any of its terms, provisions, agreements, covenants or restrictions are being challenged in a court of competent jurisdiction or other authority, such Party shall transmit written notice thereof to the other Party within three Business Days of acquiring such actual knowledge. The Parties agree to reasonably cooperate with each other and oppose any such challenge.

**IN WITNESS WHEREOF,** the Parties hereto have executed this Compact as of the respective dates indicated below.

**Prairie Band Potawatomi Nation**

**State of Kansas**

By: \_\_\_\_\_  
Liana Onnen, Chairperson

By: \_\_\_\_\_  
Sam Brownback, Governor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2460, HB 2463, HB 2464; Sub HB 2473; HB 2502, HB 2522, HB 2558, HB 2563, HB 2615, HB 2632, HB 2643, HB 2622, HB 2696.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2460, HB 2463, HB 2464; Sub HB 2473; HB 2502, HB 2522, HB 2558, HB 2563, HB 2615, HB 2622, HB 2632, HB 2643, HB 2696** were thereupon introduced and read by title.

**CHANGE OF REFERENCE**

The Vice President withdrew **SB 430** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Corrections and Juvenile Justice**.

The Vice President withdrew **SB 356** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Education**.

The Vice President withdrew **SB 424** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SB 344, SB 345, SB 422, SB 445, SB 446** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The Vice President withdrew **SB 342, SB 363; Sub SB 428** from the Committee on **Ways and Means**, and referred to the calendar under the heading of **General Orders**.

**REPORT ON ENROLLED BILLS**

**SB 250** reported correctly enrolled, properly signed and presented to the Governor on February 24, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 3, 2016.

# Journal of the Senate

THIRTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 3, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 36 senators present  
Senators Holland, Kerschen, McGinn and Powell were excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, God of ALL wisdom and UNFAILING love; would You now share fresh measures of Your limitless attributes with us? We are limited, needy creatures. Help us to discern, to absorb and to be reflections of Your wisdom and Your love. As You bring us together in these chambers, would You bring us together in Your Spirit? We need Your Spirit of Wisdom, Unity and Love to prevail...not just as a thought to put into this prayer, but as a principle to put into practice. And Lord, we're asking for this in harmony with Your will. It is for Your glory, for our good and the good of those we're responsible for. And according to 1 John 4:15, You promised to hear and answer when we pray that way. So, Lord, we look forward to the emergence and realization of Your blessings...today, tomorrow and on into the future. Again Lord, I thank You for hearing this prayer, and gratefully anticipate the future. In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Wagle.

## POINT OF PERSONAL PRIVILEGE

Senators Tyson and Baumgardner rose on a Point of Personal Privilege to recognize several Armed Forces veterans who have been actively involved in working with veterans suffering from Post Traumatic Stress Disorder. Specifically honored was Norman Holle who has worked with over 845 veterans suffering from PTSD.

Guests introduced were Norman Holle, Carolyn Holle, Dee Martin, Mike Martin, Becky Golba, Chuck Golba and Alan Olsen.

Senators honored the guests with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 479**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, unlawful possession thereof; amending K.S.A. 2015 Supp. 21-6301 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 480**, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of parole or postrelease supervision; search and seizure; amending K.S.A.

2015 Supp. 22-3717 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 481**, AN ACT concerning the Kansas sexually violent predator act; relating to restrictions on location of transitional release or conditional release facilities or buildings; amending K.S.A. 2015 Supp. 59-29a11 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 482**, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement; arrest records; amending K.S.A. 2015 Supp. 22-2410 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 483**, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III and IV; amending K.S.A. 65-4127e and K.S.A. 2015 Supp. 65-4105, 65-4109 and 65-4111 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 484**, AN ACT concerning tribal-state compacts; approving a compact between the Prairie Band Potawatomi Nation and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection, by Committee on Federal and State Affairs.

**SB 485**, AN ACT concerning tribal-state compacts; approving a compact between the Iowa Tribe of Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales and taxation, by Committee on Federal and State Affairs.

**SB 486**, AN ACT concerning civil rights; amending the Kansas act against discrimination; amending K.S.A. 44-1001 and 44-1009 and K.S.A. 2015 Supp. 44-1002 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 487**, AN ACT concerning open meetings; relating to justifications for closed or executive meetings; amending K.S.A. 2015 Supp. 75-4319 and repealing the existing section, by Committee on Ways and Means.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **HB 2460, HB 2463, HB 2464.**

Education: **HB 2622.**

Ethics and Elections: **HB 2558.**

Financial Institutions and Insurance: **HB 2632.**

Judiciary: **HB 2502, HB 2696.**

Public Health and Welfare: **HB 2615.**

Transportation: **Sub HB 2473; HB 2522, HB 2563, HB 2643.**

#### **CHANGE OF REFERENCE**

The President withdrew **HB 2516, HB 2567** from the Committee on **Education**, and referred the bills to the Committee on **Federal and State Affairs**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

January 29, 2016

Department of Health and Environment

Secretary and State Health Officer, Susan Mosier, submitted the FY 2015 report of the Pregnancy Maintenance Initiate program.

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

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Faust-Goudeau and Petersen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1772—

A RESOLUTION recognizing Addison's Army Against Melanoma for its work educating and spreading awareness about melanoma skin cancer.

WHEREAS, During the summer of 2011, both Briana Cox and her newborn second child, Addison, were diagnosed with stage IV melanoma skin cancer. In a rare occurrence, the cancer had passed from mother to daughter during pregnancy. Briana lost her life to melanoma on February 12, 2012, at the age of 33, and was followed by Addison on August 8, 2013. Addison's Army Against Melanoma was formed to continue Briana's dream of fighting against melanoma skin cancer through education, advocacy and prevention; and

WHEREAS, Addison's Army Against Melanoma was formed by the following members: James Cox (President and Co-Founder); Kimberly Rubio (Vice-President and Co-Founder); Jessica Edgerle (Board Member); Elisha Snell (Board Member); Sarah Stotler (Secretary); and Gabriella Westfall (Treasurer); and

WHEREAS, Melanoma is the most dangerous type of skin cancer and the leading cause of death from skin disease. In addition to the surface of the skin, melanoma can also metastasize to organs, systems and structures in the body. However, melanoma can often be found early through monthly self-examinations of moles and routine cancer-related checkups by doctors or other health care professionals; and

WHEREAS, Three years ago, Addison's Army Against Melanoma started its Coloring Book Campaign, which is designed to bring the melanoma awareness message to young kids in Wichita, Kansas area schools. It teaches students, in an age-appropriate way, how to protect themselves against the dangers of sun exposure. Addison's Army started this program with 500 coloring books in just one school. Within three years, the project grew to over 40,000 coloring books in over 100 schools; and

WHEREAS, In both 2014 and 2015, Addison's Army Against Melanoma received a \$25,000 Excellence in Education grant from State Farm Insurance to help double the number of coloring books in Kansas schools: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Addison's Army Against Melanoma for its work educating and spreading awareness about melanoma skin cancer; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to James Cox, Kimberly Rubio, Jessica Edgerle, Elisha Snell, Sarah Stotler, Gabriella Westfall and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1772** was adopted by voice vote.

Guests introduced were Becky Stewart, Koby Herbst, Jessica Edgerle, Sarah Stotler, Katie Owen, Kimberly Rubio, Rose Rosales, Crystal Apsley, Michelle Rodriguez and Nikolas Rodriguez.

Senators honored the guests with a standing ovation.

**REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **SB 459** be amended on page 3, following line 13, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 31-504 is hereby amended to read as follows: 31-504.

(a) The owner of any display fireworks storage facility shall obtain a storage site permit from the state fire marshal for permanent or temporary storage. Storage permits are not required for day boxes used at a display site.

(b) A storage site permit shall be valid for a period of four years. ~~The No~~ fee for a storage site permit shall ~~not be less than \$25 or more than \$75 be charged.~~";

Also on page 3, in line 14, by striking "and" and inserting a comma; also in line 14, after "31-503" by inserting "and 31-504";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the first "and" and inserting a comma; also in line 2, after "31-503" by inserting "and 31-504";

And the bill be passed as amended.

Also, **SB 443** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m. March 4, 2016.

# Journal of the Senate

THIRTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 4, 2016, 8:00 a.m.

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

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **SB 480, SB 483.**  
Federal and State Affairs: **SB 479, SB 484, SB 485.**  
Judiciary: **SB 481, SB 482, SB 487.**  
Public Health and Welfare: **SB 486.**

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 476** be amended on page 1, in line 7, after "township" by inserting "or townships which comprise the fire district"; and the bill be passed as amended.

## REPORT ON ENROLLED BILLS

**SR 1772** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 4, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of February 22 through March 4, 2016:

Senator Arpke: congratulating Mike Hammett on receiving the 2016 Oscar Stauffer Award;

Senator Bowers: recognizing Riley McMillan on winning the 2016 Concordia Middle and Junior High School Spelling Bee Championship, congratulating Southwind Bank on being named the Russell Area Business of the Year, congratulating Kenny Nelson on receiving the Water Master Award, congratulating Witmer Drug on being named the Phillipsburg Chamber Business of the Year, recognizing Amy Stephen for being named the 2015 Phillips County Volunteer of the Year, recognizing Phillips County Ministerial Alliance on receiving the 2015 Community Service Award, recognizing Kelli Burrus on receiving the 2016 KSHSAA Heart of the Arts Award, congratulating Cole Morehead on being named the Clay County Entrepreneur of the Year, congratulating Jody Sipe on being named the Clay County Entrepreneurial Employee of the Year;

MARCH 4, 2016

2015

Senator Faust-Goudeau: thanking Richard Cram for his service to the Department of Revenue and the State of Kansas, honoring the life of Bishop Jesse L. Barnes;

Senator Haley: honoring the life of Mary Groves Bland, honoring the life of Suzanne Marie Knowles;

Senator Hensley: congratulating Senator Paul and Arlene Feleciano on their 50th Wedding Anniversary;

Senator Holmes: congratulating Sheldon Carpenter on his retirement and thanking him for the many years of outstanding service to mental health and rural Kansas;

Senator O'Donnell: recognizing the 50th Anniversary of the Wichita Vortex Sutra, recognizing the 60th Anniversary of Awana Day;

Senator Ostmeyer: congratulating Evan Harlan Tustin on receiving the 2016 KSHSAA Spirit of Sport Award;

Senator Wolf: recognizing Lannea M. Allen on receiving the Girl Scout Gold Award, recognizing Teresa Shockley on receiving the Girl Scout Gold Award, recognizing Emma C. Vaughters on receiving the Girl Scout Gold Award; and

Senators Tyson and Baumgardner: commending and thanking Norman Holle for his service to our nation's veterans.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 7, 2016.

# Journal of the Senate

THIRTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 7, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators King and Wolf were excused.

President Wagle introduced guest Chaplain, Reverend Roger Dennis, St. John Lutheran Church, Russell, Kansas, who delivered the invocation.

In a time where there are no easy answers to the challenges confronting this body, I pray. May people truly listen to each other, converse with each other, and cooperate with each other. Help all to realize it is not about them, but the people they serve. May this body meet the heavy responsibilities inherent with governance. Provide all with insightful and just deliberation marked with both good stewardship of resources and compassion. May these leaders recall Andrew Carnegie's counsel and I paraphrase, "strong leaders know when to compromise and that all principles can be compromised for a greater principle." Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 488**, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves; authorization of franchises for the provision of utilities; amending K.S.A. 66-1,170 and K.S.A. 2015 Supp. 12-2022 and 66-104 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 489**, AN ACT concerning health and healthcare; relating to medical hemp preparation treatments; establishing registration for patients and establishments; protecting from arrest, prosecution or discrimination for authorized use, by Committee on Ways and Means.

**SB 490**, AN ACT concerning physical therapy; relating to scope of practice; dry needling; amending K.S.A. 2015 Supp. 65-2901 and repealing the existing section, by Committee on Ways and Means.

**SB 491**, AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 82a-712, 82a-716, 82a-717a and 82a-725 and K.S.A. 2015 Supp. 75-2935 and repealing the existing sections, by Committee on Ways and Means.

**CHANGE OF REFERENCE**

The President withdrew **S Sub HB 2056** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Corrections and Juvenile Justice**.

The President withdrew **SB 363** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

**MESSAGES FROM THE GOVERNOR****House Substitute for Senate Bill 161 – Veto Message from the Governor**

I want to thank the members of the Legislature for their work in completing a budget bill at this relatively early stage of the session. As we all know, there is more work to be done, but this bill makes significant progress. I look forward to working with the Legislature on the remaining issues before us.

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **House Substitute for Senate Bill 161** with my signature approving the bill, except for the items enumerated below.

**Department of Commerce – STAR Bonds**

Sections 35(g) and 36(f) are vetoed in their entirety.

These provisions would bar any consideration or approval of STAR Bond projects in Wyandotte County until FY 2018. I do not believe there is any precedent for this kind of discrimination against one county in connection with economic development programs. The vetoed provisions here effectively would be repealed by the passage of other legislation containing certain STAR Bond reforms. My administration has been working with the Legislature on those reforms and will continue to do so. I look forward to receiving acceptable legislation before the end of the session. In my view, this approach to reform is much preferred over that taken in this bill.

**Department for Aging and Disability Service – Mental Health Screenings**

Section 48(o) is vetoed in its entirety.

In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued based on a threatened loss of funding from the federal government. The provision at issue here would return to the former policy, at a cost of \$1.8 million. While that cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I would be pleased to revisit this issue if the state receives new and different assurances from the federal government on the matter.

Dated: March 4, 2016

Signed: SAM BROWNBACK, *Governor of Kansas*

**Senate Bill 250 – Veto Message from the Governor**

For decades, our state government has been dealing with the serious decline in the condition of the Docking State Office Building. Docking served as the workplace for thousands of our state employees since 1957, and houses the energy center for the capitol complex, but is no longer a viable facility.

In April 2014, the Legislature passed and I signed **Senate Bill 423**, authorizing the demolition of Docking and the construction of a new energy center. Pursuant to my constitutional authority and obligation under Article 1, Section 3 of the state Constitution, my administration commenced the task of implementing this legislation. That work included the transfer of state employees out of Docking and into better office space and working conditions, the planned construction of a new energy center for the capitol complex, and other preparations for the eventual demolition of Docking. The building is expected to be vacant, with minor exceptions, by this summer, and the Department of Administration had entered into contracts to finance and construct the new energy center.

Early in this Legislative session, my administration was approached by members of the Legislature who believed the plans for Docking – in particular, the soon-to-be-commenced construction of the energy center – should be reexamined. I listened to their concerns, and at my direction the Department of Administration terminated the construction contract for the energy center on February 19, 2016. Because that contract already has been canceled, the provisions of this bill purporting to eliminate the funding appropriation for the contract are no longer necessary.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **Senate Bill 250**.

Dated: March 4, 2016

Signed: SAM BROWNBACK, *Governor of Kansas*

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2134; HCR 5024**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2134; HCR 5024** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1773—

A RESOLUTION congratulating and commending Mark Farley,  
firefighter and paramedic, on his retirement.

WHEREAS, Mark Farley has served 34 years with the City of Wellington Fire/EMS Department as a firefighter and paramedic; and

WHEREAS, Mark Farley has also served as the EMS quality assurance manager for the City of Wellington Fire/EMS Department; and

WHEREAS, Mark Farley has saved countless lives and improved the quality of life for many others; and

WHEREAS, Mark Farley was one of the first certified paramedics in the history of Wellington, Kansas; and

WHEREAS, Mark Farley was one of the first in the history of Wellington, Kansas, to successfully use a defibrillator; and

WHEREAS, Mark Farley is well known by the community for working long hours with patients in the emergency room and in home health care; and

WHEREAS, In his 34 years of service, Mark Farley has earned the respect and trust of every physician in Wellington, Kansas, and everyone in the city's Fire/EMS Department; and

WHEREAS, Mark Farley is a long-time active member of the Saint Anthony/Saint Rose Parish in Wellington, Kansas; and

WHEREAS, Mark Farley is a proud husband and father of four: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate, commend and thank Mark Farley for his long, successful career serving the City of Wellington; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Mark Farley.

On emergency motion of Senator Abrams **SR 1773** was adopted by voice vote.

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2382**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2382," as follows:

"Senate Substitute for HOUSE BILL No. 2382  
By Committee on Corrections and Juvenile Justice

"AN ACT concerning children and minors; relating to juvenile justice; amending K.S.A. 12-4112 and 20-167 and K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, 38-2202, 38-2232, 38-2242, 38-2243, 38-2260, 38-2288, 38-2302, 38-2304, 38-2313, 38-2325, 38-2330, 38-2331, 38-2332, 38-2342, 38-2343, 38-2344, 38-2346, 38-2347, 38-2360, 38-2361, 38-2364, 38-2366, 38-2367, 38-2368, 38-2369, 38-2371, 38-2372, 38-2373, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389, 65-5603, 72-1113, 72-8222, 72-89b03, 72-89c02, 74-4914, 75-7023, 75-7038, 75-7044, 75-7046 and 79-4803 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2334, 38-2335 and 38-2365.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 484** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 485** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 8, 2016.

# Journal of the Senate

THIRTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 8, 2016, 2:30 p.m.

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

The roll was called with 40 senators present.

Vice President King introduced guest chaplain, Rabbi Debbie Stiel, Topeka, who delivered the following invocation:

Dear God. We, throughout Your world, call You by many different names, yet we are one humanity. We are created by You, each person intentionally created as someone unique and different but also so alike. Open our hearts to listen to each other, to care about the views we don't share. It is so easy to be firmly rooted in what we know, in how we think. But You have given us a world with multiple truths and many vantage points so that we might learn and grow. Help us, then, to hear the voice and the view across the aisle, and down the street, and in the next neighborhood or county. May we relish diversity and reach consensus through concern for the other. And as we listen to those who may be different from us, may we remember that once we heard You teach "don't stand idly by while your neighbor bleeds" and "plead for the poor, the widow and the orphan." May we harken especially to those who don't have someone here to speak their cause. You remind us that a society is judged by how it treats its least fortunate and its minorities. We ask your blessing, God, on our state leaders and all gathered here today. Bless them with courage and strength, with insight and with open hearts and minds in order to do Your work and to help make our society great. Amen

The Pledge of Allegiance was led by Vice President King.

## **POINT OF PERSONAL PRIVILEGE**

Senator Schmidt rose on a Point of Personal Privilege to introduce The Honorable Roey Gilad, Consul General of Israel to the Midwest. He has served as the Consul General of Israel to the Midwest for the past two years. From the Consulate's headquarters in Chicago, Gilad is responsible for 11 states in the Midwest region. He is Israel's highest ranking official in the Midwest. During his 25-plus year tenure with Israel's Ministry of Foreign Affairs, Gilad has served in various positions outside of Israel including: Second Secretary in Kenya, Media Counselor in The Hashemite Kingdom of Jordan and head of the Political Affairs Department in the United Kingdom. While in his native Israel, Gilad studied at Israel's National Defense College and was head of the Export Control Department of the Ministry of Foreign Affairs. Gilad has a Master's Degree in National Security at Haifa University; a Master's Degree in Middle Eastern Studies from Hebrew University in Jerusalem and a Bachelor's

Degree in Middle Eastern Studies from Tel Aviv University. He served as a Staff Sergeant in the artillery forces of the Israel Defense Forces.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 492**, AN ACT concerning insurance; relating to motor vehicle liability insurance; notification of cancellation of policy; amending K.S.A. 2015 Supp. 40-3118 and repealing the existing section, by Committee on Ways and Means.

**SB 493**, AN ACT concerning the department of commerce; relating to administrative cost recovery fees for department-administered community finance, economic development and tax incentive programs; amending K.S.A. 74-5060 and K.S.A. 2015 Supp. 12-17,164, 74-50,150 and 76-7,141 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 494**, AN ACT consolidating the payrolls of the state board of regents and the state educational institutions; amending K.S.A. 75-5516 and repealing the existing section, by Committee on Ways and Means.

**SB 495**, AN ACT concerning health and healthcare; eliminating medical assistance coverage for elective induced labor prior to 39 weeks of pregnancy, by Committee on Ways and Means.

**SB 496**, AN ACT concerning healthcare and healthcare providers; relating to the healing arts; licensure of telemedicine providers; amending K.S.A. 2015 Supp. 65-2809 and repealing the existing section, by Committee on Ways and Means.

**SB 497**, AN ACT concerning healthcare and healthcare providers; relating to birth risk factor screening for pregnant women; powers, duties and functions of the Kansas department for health and environment, by Committee on Ways and Means.

**SB 498**, AN ACT act concerning state agencies; relating to sale of surplus real estate; providing for a project manager for such sales; amending K.S.A. 2015 Supp. 75-6609 and repealing the existing section, by Committee on Ways and Means.

**SB 499**, AN ACT concerning school districts; relating to the department of administration; procurement of certain items and services; amending K.S.A. 2015 Supp. 72-6760 and repealing the existing section, by Committee on Ways and Means.

**SB 500**, AN ACT concerning income taxation; relating to credits; eliminating the community service program credit; amending K.S.A. 2015 Supp. 79-32,196 and repealing the existing section; also repealing K.S.A. 2015 Supp. 79-32,199a and 79-32,199b, by Committee on Ways and Means.

**SB 501**, AN ACT concerning state employees; establishing a performance based bonus program, by Committee on Ways and Means.

**SB 502**, AN ACT establishing an annual Kansas ideas festival by state employees for efficiency savings in state government, by Committee on Ways and Means.

**SB 503**, AN ACT concerning the department of corrections; relating to community corrections; court services, by Committee on Ways and Means.

**SB 504**, AN ACT establishing the the parole and community corrections nursing home task force, by Committee on Ways and Means.

**SB 505**, AN ACT concerning education; relating to the financing thereof; relating to unencumbered cash balances held by school districts, by Committee on Ways and Means.

**SB 506**, AN ACT concerning economic development, relating to the high performance incentive program, credit sunset, training; amending K.S.A. 2015 Supp. 79-32,160a and 79-32,264 and repealing the existing sections, by Committee on Ways and Means.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **SB 488**.

Financial Institutions and Insurance: **HB 2134**.

Natural Resources: **SB 491**.

Public Health and Welfare: **SB 489, SB 490**.

#### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5026**.

**HCR 5026**, A CONCURRENT RESOLUTION recognizing the following celebrations and observances in support of organ, eye, tissue, bone marrow, stem cell and cord blood donation and transplantation, and to express gratitude for those who have already given the gift of life. In March, Kansans observe National Eye Donor Month and National Kidney Month. In April, Kansans observe Donate Life Month and on April 15, Kansas will join the rest of the nation to celebrate National Donate Life Blue and Green Day, where the public will be asked to wear their best blue and green outfits in support of giving the gift of life and sight, was introduced and read by title.

On emergency motion of Senator Faust-Goudeau, **HCR 5026** was adopted by voice vote.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Holland, Abrams, Arpke, Baumgardner, Bowers, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1774—

A RESOLUTION recognizing the Kansas Small Business  
Development Center's 2016 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training, and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected eight Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and one Exporting Business of the Year recipient; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2016 Kansas SBDC Emerging Businesses of the Year are: Athletic Testing Solutions in Overland Park, Kansas, owned by David Kuluva and Eric Schroeder; Brickhouse Antiques in Topeka, Kansas, owned by Tom and Mary Norkov; Chisholm Trail Outfitters, LLC, in Hillsboro, Kansas, owned by Craig Dodd; Duck Salt in Greensburg, Kansas, owned by Matthew Deighton; Kids Calendar in Lawrence, Kansas, owned by Beth McKeon; Sake2me Sushi Rolls, LLC, in Hays, Kansas, owned by Michael Huskey and Stacie Rupp; Sleep Inn & Suites in Fort Scott, Kansas, owned by Bill Michaud; and Sleepopia in Wichita, Kansas, owned by Kevin Kunz; and

WHEREAS, The 2016 Kansas SBDC Existing Businesses of the Year are: B&P, Inc., in Holton, Kansas, owned by Brett and Carly Fletcher; Colby Glass & Sign Co., Inc., in Colby, Kansas, owned by Rod Rodenbeck; CTe Learning in Olathe, Kansas, owned by Steve Waddell; DV Enterprises, LLC, in Liberal, Kansas, owned by Don and Vicky Brunkhardt; Eric Fisher Academy, Inc., in Wichita, Kansas, owned by Eric and Mary Fisher; Medicine Shoppe Pharmacy in Emporia, Kansas, owned by Amber Haag; Progressive Products, Inc., in Pittsburg, Kansas, owned by Todd Allison; and The Gun Guys in Ottawa, Kansas, owned by Tim VanLeiden; and

WHEREAS, The 2016 Kansas SBDC Exporting Business of the Year is Custom Storefronts, Inc., in Olathe, Kansas, owned by Jon Roberts; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the Kansas Small Business Development Center's 2016 Emerging, Existing and Exporting Businesses of the Year and wish all of them and the Kansas SBDC continued success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1774** was adopted by voice vote. Senators honored the Small Business Award winners with a standing ovation.

Senator V. Schmidt introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1775—

A RESOLUTION designating May 2016 as Cystic Fibrosis Awareness Month.

WHEREAS, Cystic fibrosis, commonly referred to as "CF," is a genetic disease affecting approximately 30,000 children and adults in the United States and nearly 70,000 children and adults worldwide, 366 of whom live in the state of Kansas; and

WHEREAS, A defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, and these secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

WHEREAS, More than 10 million Americans are symptomless carriers of the defective CF gene, and CF occurs in approximately one of every 3,500 live births in the United States; and

WHEREAS, The median age of survival for a person with CF is 39.3 years; and

WHEREAS, Despite advances in the treatment of CF, the number of adults with CF has steadily grown, and approximately 900 new cases of CF are diagnosed each year; and

WHEREAS, Fifty percent of the CF population is 18 years of age and older, and people with CF have a variety of symptoms attributed to the more than 1,800 mutations of the CF gene; and

WHEREAS, Infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF; and

WHEREAS, Early diagnosis of CF permits early treatment and enhances quality of life and longevity. The treatment of CF depends on the stage of the disease and the organs involved; and

WHEREAS, Clearing mucus from the lungs is an important part of the daily CF treatment regimen. Other types of treatments include inhaled antibiotics and pancreatic enzymes, among others; and

WHEREAS, There are four world-class treatment centers in the state of Kansas which specialize in the diagnosis of CF and the care of persons with CF; and

WHEREAS, A critical component of treating patients with CF includes access to innovative treatments, which can play a crucial role in the lives of patients with CF; and

WHEREAS, Improving the length and quality of life for people with CF starts with awareness: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate May 2016 as Cystic Fibrosis Awareness Month; and

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

On emergency motion of Senator V. Schmidt **SR 1775** was adopted by voice vote.

Guests introduced were Scott Wedman, Linda Wedman, Larry Wedman and Phyllis Chesbro.

Senators honored the guests with a standing ovation.

## CHANGE OF REFERENCE

The Vice President withdrew **HB 2087** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2088** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Assessment and Taxation**.

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **Substitute for HB 2062** be amended on page 6, in line 3, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 422** be amended on page 2, in line 5, by striking "mental health or";

On page 5, in line 39, by striking "persons" and inserting "providers";

On page 6, in line 2, after "facility" by inserting "or service";

On page 10, in line 9, after the period by inserting "Access shall be given to the premises of a facility that is a private residence only for cause as prescribed by rules and regulations adopted under the provisions of this act.";

On page 13, in line 36, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **SB 445** be amended on page 2, in line 13, by striking "aging and disability resource centers" and inserting "area agencies on aging"; in line 23, by striking "aging and disability resource centers" and inserting "area agencies on aging"; in line 26, by striking "aging and disability resource center" and inserting "area agency on aging"; in line 39, by striking "aging and disability resource center" and inserting "area agency on aging"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 404** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose of introduction of bills.

On motion of Senator Smith, the Senate adjourned until 2:30 p.m., Wednesday, March 9, 2016.

# Journal of the Senate

THIRTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 9, 2016, 2:30 p.m.

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

Heavenly Father, there are many voices coming at us. There are many who want to advise...who want to influence our decisions. Like puppets, there are those who want to pull our strings in one direction and then in another; wanting us to dance to their music. But Lord, unlike puppets that have no will of their own, You've given us the power to choose...to choose who or what we allow to pull our strings. Help us use that power wisely. We have a need to be tied...connected to You...guided by Your will, directed by Your Hands, dancing to the beat of Your drum. Whereas a puppet has no life of its own but reflects the life of the one in control, who is behind the scene, let Your life be reflected, even replicated in us. You said in Proverbs, 3:5 and 6, that in all our ways we should acknowledge You and You would direct our paths. So, as the puppeteer provides the script, giving personality and character to the puppet, do the same for us. Let the Script that You provide...the text of Your Holy Word, give us the life and guidance we need, shaping our persona and character. Let it be apparent, that in this decision making place, You are pulling the strings. In the name of Jesus, Amen and Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 507**, AN ACT concerning boating safety education; relating to sailboats; approved course of instruction; amending K.S.A. 32-1139 and repealing the existing section, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 500**, **SB 506**.

Commerce: **SB 493**, **SB 501**, **SB 502**.

Corrections and Juvenile Justice: **SB 503**.

Financial Institutions and Insurance: **SB 492**.  
Public Health and Welfare: **SB 495, SB 496, SB 497**.  
Ways and Means: **SB 494, SB 498, SB 499, SB 504, SB 505**.

## COMMUNICATIONS FROM STATE OFFICERS

March 9, 2016  
Kansas Insurance Department

Commissioner of Insurance, Ken Selzer, submitted the 2015 Annual Report of the Kansas Insurance Department.

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

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2605**.  
Announcing passage of **HB 2549, HB 2582**.  
Announcing passage of **SB 423**.  
Announcing passage of **SB 319**, as amended; **SB 321**, as amended.  
Announcing passage of **SB 44**, as amended by **H Sub SB 44; SB 128**, as amended by **H Sub SB 128**.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2549, HB 2582, HB 2605** were thereupon introduced and read by title.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 421** be amended on page 2, in line 15, by striking "an annual" and inserting "a"; in line 17, after the first "authorization" by inserting "and pay a fee to cover the costs of such background checks. An individual who has been issued a concealed carry permit by the state of Kansas shall not be required to submit to another state and national criminal records check before issuance and renewal of such authorization"; and the bill be passed as amended.

Also, recommends **HCR 5008**, as amended by House Committee, be adopted.  
Committee on **Ways and Means** recommends **SB 436** be passed.

## CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator King the Senate nonconcurred in the House amendments to **H Sub SB 44** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurred in the House amendments to **H Sub SB 128** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurred in the House amendments to **SB 319** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurrent in the House amendments to **SB 321** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 10, 2016.

# Journal of the Senate

THIRTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 10, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Kerschen was excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, in Psalm 33:11, You've revealed that the plans of Your heart transcend time, and Your counsel stands through all generations to provide us with Your wisdom. By acknowledging You as our Lord, You said in verse 12, that we would be a blessed, fortunate, and even an envied nation of people. As we gather today, we ask You to Divinely govern in all our affairs, individually and collectively. We know Lord, that none of us has a corner on all that is right or all that is good and at various times we will get off base. But when the results are tallied in our personal lives and in the lives of those we serve, bless us to see that we were sensitive to Your leading. So, Lord, as we gather today, let the inspiration of Your Holy Spirit influence all that we do. In Jesus name, Amen

The Pledge of Allegiance was led by Vice President King.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2582**.

Federal and State Affairs: **HB 2549**.

Transportation: **SB 507; HB 2605**.

## CHANGE OF REFERENCE

An objection having been made to **SB 484, SB 485** appearing on the **Consent Calendar**, the Vice President directed the bills be removed and placed on the calendar under the heading of **General Orders**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2369, HB 2509, HB 2571**.

Announcing passage of **SB 312**.

Announcing passage of **SB 193**, as amended by **H Sub SB 193**.

The House accedes to the request of the Senate for a conference on **H Sub SB 44** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 128** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 319** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 321** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2369, HB 2509, HB 2571** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1776—

A RESOLUTION recognizing the importance of meningococcal disease awareness and prevention.

WHEREAS, Meningococcal disease is any infection caused by the bacterium *Neisseria meningitidis*, or meningococcus. Although one in 10 people are carriers of this bacteria with no signs or symptoms of disease, sometimes *Neisseria meningitidis* bacteria can cause illness; and

WHEREAS, Meningococcal disease is spread from person to person via the exchange of the bacteria through respiratory and throat secretion during close or lengthy contact; and

WHEREAS, In the U.S., there are approximately 1,000 to 1,200 cases of meningococcal disease each year; and

WHEREAS, Ten to 15 percent of infected individuals will die, while 11 to 19 percent of those who live will suffer from serious morbidity, including loss of limbs and impacts to the nervous system; and

WHEREAS, Infants under one year of age, as well as young adults between the ages of 16 and 21, are most commonly impacted by this disease; and

WHEREAS, There are different strains or serogroups of *Neisseria meningitidis*, with serogroups B, C and Y accounting for most meningococcal diseases in the U.S.; and

WHEREAS, There have been several recent outbreaks of serogroup B meningococcal disease on college campuses, with some cases resulting in death; and

WHEREAS, Vaccines are available to prevent meningococcal disease, and there are different vaccines that provide coverage against certain specific serogroups of the disease; and

WHEREAS, While there are vaccines that help provide protection against all three serogroups commonly seen in the United States, only the vaccination for serogroups A, C, W and Y is routinely recommended by the Centers for Disease Control and Prevention; and

WHEREAS, The Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices recommends that decisions to vaccinate adolescents and young adults 16 through 23 years of age against serogroup B meningococcal disease should be made at the individual level with healthcare providers; and

WHEREAS, It is critical that students, parents, educators and healthcare providers understand the dangers of meningitidis B and are aware that a vaccine is available to prevent disease resulting from this serogroup: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the importance of meningococcal disease awareness and prevention. The recent incidence of meningococcal disease has served as a reminder of the critical role vaccinations play in helping prevent this devastating illness; and

*Be it further resolved:* That we take all reasonable steps to urge all private and public high schools, colleges and universities in Kansas to provide information to all students and parents about meningococcal disease, explaining the different disease serogroups, symptoms, risks and treatment; and

*Be it further resolved:* That such information should also include a notice of availability, benefits, risks and limitations of all meningococcal vaccines receiving a recommendation from the Advisory Committee on Immunization Practices, including Category A and Category B recommendations, with specific information as to those persons at higher risk for the disease; and

*Be it further resolved:* That each private and public high school, college and university should recommend that both current and new students receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices guidelines; and

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

On emergency motion of Senator V. Schmidt **SR 1776** was adopted by voice vote.

Guests introduced were Danelle Lin Perry, MD, and Regina Weir.

Senators honored the guests with a standing ovation.

## **ORIGINAL MOTION**

Senator Wolf moved to override the governor's veto on **SB 250**. The motion was withdrawn.

## **COMMITTEE OF THE WHOLE**

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

On motion of Senator Powell the following report was adopted:

**HB 2438** be passed.

**SB 379, SB 388, SB 459** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 476** be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson: on page 1, in line 4, by striking "Bourbon" and inserting "any";

And **SB 476** be passed as further amended.

**SB 342** be amended by the adoption of the committee amendments, be further amended by motion of Senator Baumgardner: on page 3, in line 10, by striking "except as provided in subsection (c),"; by striking all in lines 12 through 20 and inserting the following:

"(A) For legitimate research purposes subject to and as allowed by federal and state law, and under the direction of a school district or the state department of education, provided the student information is not used for advertising or to amass a profile on the student for purposes other than educational purposes, or for any other purposes other than educational purposes;

(B) that information described in section 2(e)(2) and (e)(8), and amendments thereto, upon request by a school district or state agency for educational purposes;"

Also on page 3, in line 21, by striking "(D)" and inserting "(C) to law enforcement agencies or to a court of competent jurisdiction";

On page 4, in line 3, by striking all after "(c)"; by striking all in lines 4 through 14; in line 15, by striking "(d)";

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

On page 5, following line 27, by inserting:

"Sec. 4. (a) A student, or such student's parent or legal guardian, may bring a cause of action against any operator who violates any provision of section 3, and amendments thereto, with respect to such student's student information. Such action may be brought in the district court of the county in which such student resides.

(b) Upon a finding that an operator violated any provision of section 3, and amendments thereto, the court may award appropriate relief, including:

(1) Money damages for all psychological, emotional and physical harm suffered as a result of such violation; and

(2) reasonable attorney fees and costs.";

And by renumbering sections accordingly

And **SB 342** be passed as further amended.

The committee report on **SB 428** recommending **Sub SB 428** be adopted, be further amended by motion of Senator LaTurner: on page 1, in line 16, after the period by inserting "The procedures should include:

(1) Use of blind and blinded procedures;

(2) instructions to the witness that the perpetrator may or may not be present;

(3) use of non-suspect fillers who are reasonably similar to the perpetrator and do not make the suspect stand out; and

(4) after an identification is made by the witness, eliciting a confidence statement, in the witness's own words, regarding the level of certainty in the selection."

And **Sub SB 428** be passed as amended.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 443** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 443**, AN ACT declaring the cage elevator in the Kansas state capitol building as the official cage elevator of the state of Kansas.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 342**, **SB 379**, **SB 388**; **Sub SB 428**; **SB 459**, **SB 476**; **HB 2438** were advanced to Final Action and roll call.

**SB 342**, AN ACT concerning schools; creating the student online personal protection act.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed, as amended.

**SB 379**, AN ACT concerning alcoholic beverages; relating to farm wineries; amending K.S.A. 2015 Supp. 41-311 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed, as amended.

**SB 388**, AN ACT concerning postsecondary education; relating to the awarding of credit hours for degree completion.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed, as amended.

**Sub SB 428**, AN ACT concerning crimes, punishment and criminal procedure; relating to eyewitness identification.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

Absent or Not Voting: Kerschen.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote “Aye” on **Sub SB 428** as amended by the Committee of the Whole; an act relating to eyewitness identification. This is a good start towards insuring consistent identification standards when a witness is attempting to describe who or what they have seen to law enforcement and will result in more accurate suspect and/or evidence apprehension and utilization. These standards have been recommended and, in many cases, implemented in other States. The Judicial Council and Kansas Law Enforcement have studied this crucial issue and worked to assist in the development and training of easily implementable standards. According to the Innocence Project, almost 75% of wrongful convictions are due to so-called “eyewitnesses” giving inaccurate descriptions. **Sub SB 428** is a step towards reducing misidentifications and, subsequently, wrongful convictions. What a novel idea, Mr. Vice President! So novel, I wish that I had thought of it first and introduced it. (Oh, wait...actually I did! **SB 428** as originally introduced in 2016 and various bills over the last 6 years in this Kansas Senate.) Regardless of the unnecessary legislative delay, I am genuinely glad to see common sense legislation finally proceed that will improve public participation and accuracy in identification.—DAVID HALEY

**SB 459**, AN ACT concerning the state fire marshal; relating to certain license fees; amending K.S.A. 2015 Supp. 31-133a, 31-503 and 31-504 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

Absent or Not Voting: Kerschen.

The bill passed, as amended.

**SB 476**, AN ACT concerning Bourbon county; dealing with audits of fire districts.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed, as amended.

**HB 2438**, AN ACT concerning fire districts; adding territory of adjoining cities; amending K.S.A. 19-3605 and 19-3623 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Kerschen.

The bill passed.

## ORIGINAL MOTION

On motion of Senator Bruce **SB 234**, **SB 320**, **SB 378** were stricken from the calendar.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2512**, as amended by House Committee of the Whole, be passed.

Also, **SB 469** be amended on page 1, in line 12, by striking "annual" and inserting "triennial"; in line 14, by striking "occur no earlier than August 1" and inserting "be held on or after January 1"; in line 15, by striking "December 1 each year" and inserting "April 1";

On page 2, in line 2, by striking "12" and inserting "36";

On page 3, in line 20, by striking "12" and inserting "36"; in line 24, by striking "12" and inserting "36";

On page 4, in line 34, by striking "12" and inserting "36"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 479** be passed.

Also, **SB 462** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 462," as follows:

"Substitute for SENATE BILL No. 462

By Committee on Federal and State Affairs

"AN ACT concerning civil procedure; relating to the protection from stalking act; amending K.S.A. 60-31a02 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2442**, **HB 2516**, **HB 2536**, **HB 2567**, be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2454** be passed.

Also, **HB 2446**, as amended by House Committee, be amended on page 3, by striking all in lines 18 through 21; and the bill be passed as amended.

**HB 2485** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **HB 2490** be amended on page 2, in line 36, by striking "or any"; in line 37, by striking all before "which"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 457** be amended on page 6, in line 33, by striking "and"; in line 34, after "environment" by inserting "; one person appointed by the president of the senate who is affiliated with an organization representing and advocating the interests of retired persons in Kansas; and one person appointed by the speaker of the house of representatives who is a volunteer with the office of the state long-term care ombudsman established by the long-term care ombudsman act"; in line 43, by striking "legislature" and inserting "senate committees on public health and welfare and ways and means, the house committees on appropriations and health and human services and the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight";

On page 1, in the title, in line 2, after the second semicolon by inserting "quality care improvement panel membership; reporting requirements;"; and the bill be passed as amended.

Also, **SB 474** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 12-17,162 is hereby amended to read as follows: 12-17,162. As used in ~~this the STAR bond financing~~ act, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Auto race track facility" means: (1) An auto race track facility and facilities directly related and necessary to the operation of an auto race track facility, including, but not limited to, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding (2) hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(b) "Commence work" means the manifest commencement of actual operations on the development site, such as, erecting a building, excavating the ground to lay a foundation or a basement or work of like description which a person with reasonable diligence can see and recognize as being done with the intention and purpose to continue work until the project is completed.

(c) "De minimus" means an amount less than 15% of the land area within a STAR bond project district.

(d) "Developer" means any person, firm, corporation, partnership or limited liability company other than a city and other than an agency, political subdivision or instrumentality of the state.

(e) "Economic impact study" means a study to project the financial benefit of the project to the local, regional and state economies.

(f) "Eligible area" means a historic theater, major tourism area, major motorsports complex, auto race track facility, river walk canal facility, major multi-sport athletic complex, or a major commercial entertainment and tourism area as determined by the secretary.

(g) "Feasibility study" means a feasibility study as defined in ~~subsection (b) of~~ K.S.A. 2015 Supp. 12-17,166(b), and amendments thereto.

(h) "Historic theater" means a building constructed prior to 1940 which was constructed for the purpose of staging entertainment, including motion pictures, vaudeville shows or operas, that is operated by a nonprofit corporation and is designated by the state historic preservation officer as eligible to be on the Kansas register of historic places or is a member of the Kansas historic theatre association.

(i) "Historic theater sales tax increment" means the amount of state and local sales tax revenue imposed pursuant to K.S.A. 12-187 et seq., 79-3601 et seq. and 79-3701 et seq., and amendments thereto, collected from taxpayers doing business within the historic theater that is in excess of the amount of such taxes collected prior to the designation of the building as a historic theater for purposes of this act.

(j) "Major commercial entertainment and tourism area" means an area that may include, but not be limited to, a major multi-sport athletic complex.

(k) "Major motorsports complex" means a complex in Shawnee county that is utilized for the hosting of competitions involving motor vehicles, including, but not limited to, automobiles, motorcycles or other self-propelled vehicles other than a motorized bicycle or motorized wheelchair. Such project may include racetracks, all facilities directly related and necessary to the operation of a motorsports complex, including, but not limited to, parking lots, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility.

(l) "Major tourism area" means an area for which the secretary has made a finding the capital improvements costing not less than \$100,000,000 will be built in the state to construct an auto race track facility.

(m) "Major multi-sport athletic complex" means an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(n) "Market study" means a study to determine the ability of the project to gain market share locally, regionally and nationally and the ability of the project to gain sufficient market share to:

- (1) Remain profitable past the term of repayment; and
- (2) maintain status as a significant factor for travel decisions.

(o) "Market impact study" means a study to measure the impact of the proposed project on similar businesses in the project's market area.

(p) "Museum facility" means a separate newly-constructed museum building and

facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.

(q) "Project" means a STAR bond project.

(r) "Project costs" means those costs necessary to implement a STAR bond project plan, including costs incurred for:

- (1) Acquisition of real property within the STAR bond project area;
- (2) payment of relocation assistance pursuant to a relocation assistance plan as provided in K.S.A. 2015 Supp. 12-17,173, and amendments thereto;
- (3) site preparation including utility relocations;
- (4) sanitary and storm sewers and lift stations;
- (5) drainage conduits, channels, levees and river walk canal facilities;
- (6) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- (7) street light fixtures, connection and facilities;
- (8) underground gas, water, heating and electrical services and connections located within the public right-of-way;
- (9) sidewalks and pedestrian underpasses or overpasses;
- (10) drives and driveway approaches located within the public right-of-way;
- (11) water mains and extensions;
- (12) plazas and arcades;
- (13) parking facilities and multilevel parking structures devoted to parking only;
- (14) landscaping and plantings, fountains, shelters, benches, sculptures, lighting, decorations and similar amenities;
- (15) auto race track facility;
- (16) major multi-sport athletic complex;
- (17) museum facility;
- (18) major motorsports complex;
- (19) related expenses to redevelop and finance the project, except that for a STAR bond project financed with special obligation bonds payable from the revenues described in ~~subsection (a)(1)~~ of K.S.A. 2015 Supp. 12-17,169(a)(1), and amendments thereto, such expenses shall require prior approval by the secretary of commerce; and
- (20) except as specified in subsections (1) through (19) above, project costs shall not include:
  - (A) Costs incurred in connection with the construction of buildings or other structures;
  - (B) fees and commissions paid to developers, real estate agents, financial advisors or any other consultants who represent the developers or any other businesses considering locating in or located in a STAR bond project district;
  - (C) salaries for local government employees;
  - (D) moving expenses for employees of the businesses locating within the STAR bond project district;
  - (E) property taxes for businesses that locate in the STAR bond project district;

(F) lobbying costs;  
 (G) any bond origination fee charged by the city or county;  
 (H) any personal property as defined in K.S.A. 79-102, and amendments thereto;  
 and

(I) travel, entertainment and hospitality.

(s) "Projected market area" means any area within the state in which the project is projected to have a substantial fiscal or market impact upon businesses in such area.

(t) "River walk canal facilities" means a canal and related water features which flow through a major commercial entertainment and tourism area and facilities related or contiguous thereto, including, but not limited to, pedestrian walkways and promenades, landscaping and parking facilities.

(u) "Sales tax and revenue" are those revenues available to finance the issuance of special obligation bonds as identified in K.S.A. 2015 Supp. 12-17,168, and amendments thereto.

(v) "STAR bond" means a sales tax and revenue bond.

(w) "STAR bond project" means an approved project to implement a project plan for the development of the established STAR bond project district with:

(1) At least a \$50,000,000 capital investment and \$50,000,000 in projected gross annual sales; or

(2) for areas outside of metropolitan statistical areas, as defined by the federal office of management and budget, the secretary finds:

(A) The project is an eligible area as defined in subsection (f), and amendments thereto; and

(B) would be of regional or statewide importance; or

(3) is a major tourism area as defined in subsection (l), and amendments thereto; or

(4) is a major motorsports complex, as defined in subsection (k), and amendments thereto.

(x) "STAR bond project area" means the geographic area within the STAR bond project district in which there may be one or more projects.

(y) "STAR bond project district" means the specific area declared to be an eligible area as determined by the secretary in which the city or county may develop one or more STAR bond projects. A STAR bond project district includes a redevelopment district, as defined in K.S.A. 12-1770a, and amendments thereto, created prior to the effective date of this act for the Wichita Waterwalk project in Wichita, Kansas, provided, the city creating such redevelopment district submits an application for approval for STAR bond financing to the secretary on or before July 31, 2007, and receives a final letter of determination from the secretary approving or disapproving the request for STAR bond financing on or before November 1, 2007. No STAR bond project district shall include real property which have been part of another STAR bond project district unless such STAR bond project and STAR bond project district have been approved by the secretary of commerce pursuant to K.S.A. 2015 Supp. 12-17,164 and 12-17,165, and amendments thereto, prior to March 1, 2016. A STAR bond project district shall be limited to those areas being developed by the STAR bond project and any area of real property reasonably anticipated to directly benefit from the redevelopment project.

(z) "STAR bond project district plan" means the preliminary plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the

buildings, facilities and improvements in each that are proposed to be constructed or improved in each STAR bond project area.

(aa) "STAR bond project plan" means the plan adopted by a city or county for the development of a STAR bond project or projects in a STAR bond project district.

(bb) "Secretary" means the secretary of commerce.

(cc) "Substantial change" means, as applicable, a change wherein the proposed plan or plans differ substantially from the intended purpose for which the STAR bond project district plan was approved.

(dd) "Tax increment" means that portion of the revenue derived from state and local sales, use and transient guest tax imposed pursuant to K.S.A. 12-187 et seq., 12-1692 et seq., 79-3601 et seq. and 79-3701 et seq., and amendments thereto, collected from taxpayers doing business within that portion of a STAR bond project district occupied by a project that is in excess of the amount of base year revenue. For purposes of this subsection, the base year shall be the 12-month period immediately prior to the month in which the STAR bond project district is established. The department of revenue shall determine base year revenue by reference to the revenue collected during the base year from taxpayers doing business within the specific area in which a STAR bond project district is subsequently established. For purposes of this subsection, revenue collected from taxpayers doing business within a STAR bond project district, or within a specific area in which a STAR bond project district is subsequently established shall not include local sales and use tax revenue that is sourced to jurisdictions other than those in which the project is located.

(ee) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto.

Sec. 2. K.S.A. 2015 Supp. 12-17,171 is hereby amended to read as follows: 12-17,171. (a) Any addition of area to the STAR bond project district, or any substantial change as defined in K.S.A. 2015 Supp. 12-17,162, and amendments thereto, to the STAR bond project district plan shall be subject to the same procedure for public notice and hearing as is required for the establishment of the STAR bond project district. Any such addition of area shall be limited to real property which has not been part of another STAR bond project district.

(b) A city or county may remove real property from a STAR bond project district by an ordinance or resolution of the governing body respectively.

(c) A city or county may divide the real property in a STAR bond project district, including real property in different project areas within a STAR bond project district, into separate STAR bond project districts. Any division of real property within a STAR bond project district into more than one STAR bond project district shall be subject to the same procedure of public notice and hearing as is required for the establishment of the STAR bond project district.

(d) Subject to the provisions of subsection (a), if a city or county has undertaken a STAR bond project within a STAR bond project district, and either the city or county wishes to subsequently remove more than a de minimus amount of real property from the STAR bond project district, or the city or county wishes to subsequently divide the real property in the STAR bond project district into more than one STAR bond project district, then prior to any such removal or division the city or county must provide a

feasibility study which shows that the tax revenue from the resulting STAR bond project district within which the STAR bond project is located is expected to be sufficient to pay the project costs.

(e) Removal of real property from one STAR bond project district and addition of all or a portion of that real property to another STAR bond project district may be accomplished by the adoption of an ordinance or resolution, and in such event the determination of the existence or nonexistence of an adverse effect on the county or school district under ~~subsection (f) of~~ K.S.A. 2015 Supp. 12-17,165(f), and amendments thereto, shall apply to both such removal and such addition of real property to a STAR bond project district.

Sec. 3. K.S.A. 2015 Supp. 12-17,176 is hereby amended to read as follows: 12-17,176. (a) STAR bond projects using state sales tax financing pursuant to K.S.A. 2015 Supp. 12-17,169, and amendments thereto, shall be audited by an independent certified public accountant annually at the expense of the city or county. The audit report shall supplement the annual report required pursuant to K.S.A. 2015 Supp. 12-17,169, and amendments thereto.

(b) Such audits shall determine whether bond financing obtained under K.S.A. 2015 Supp. 12-17,169, and amendments thereto, is being used only for authorized purposes. Audit results shall be reported to the house commerce, labor and economic development and tourism committee, the senate commerce committee, or successor committees, the governor and the secretaries of commerce and revenue during the legislative session immediately following the audit.

(c) If audit findings indicate that bond funds have been used for unauthorized or ineligible purposes, the city or county shall repay to the bond fund all such unauthorized or ineligible expenditures. Such city or county shall enter into a repayment agreement with the secretary of revenue specifying the terms of such repayment obligation.

(d) In addition to the provisions of subsection (a), annually, on or before December 31, commencing in 2016, the division of post audit shall conduct a performance audit as directed by the legislative post audit committee of all STAR bond projects using state sales tax financing pursuant to K.S.A. 2015 Supp. 12-17,169, and amendments thereto, to determine: (1) The current status of each STAR bond project; (2) any significant changes to each project during the previous year; (3) whether each project has complied with all requirements pursuant to the STAR bond financing act; and (4) any other issues related to STAR bond projects as determined by the legislative post audit committee. The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval of the legislative post audit committee. Upon such approval, the city or county shall pay to the division of post audit the amount approved by the legislative post audit committee. The city or county may recover the costs of the annual performance audit from the STAR bond proceeds. Audit results shall be reported to the legislative post audit committee, the house commerce, labor and economic development committee, the senate commerce committee, or successor committees, the governor, and the secretaries of commerce and revenue during the legislative session immediately following the audit.

New Sec. 4. On the effective date of this act, the provisions of section 35(g) and section 36(f) of 2016 House Substitute for Senate Bill No. 161 are hereby declared to be null and void and shall have no force and effect.";

Also on page 1, in line 16, after "Supp." by inserting "12-17,162, 12-17,171, 12-17,176 and"; also in line 16, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "economic development; relating to the STAR bond financing act; concerning"; in line 4, after "Supp." by inserting "12-17,162, 12-17,171, 12-17,176 and"; also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 11, 2016.

# Journal of the Senate

THIRTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 11, 2016, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 29 senators present.

Senators Abrams, Baumgardner, Denning, Faust-Goudeau, Holmes, Longbine, Love, Lynn, Melcher, O'Donnell and Pilcher-Cook were excused.

Invocation by Reverend Cecil Washington, Jr.:

Lord, we got a text from You...a group text, saying we should love, honor and respect one another...1 Corinthians 13. You also sent us one in Romans 13:9 saying we should love and honor others as much as we love ourselves. But it seems like some of us didn't get it...or we act like we didn't read it. Sometimes Your Words seem really difficult and we don't want to read them or we even delete them. Teach us to daily check our inbox to see what You have to say and help us see the difference between the life-saving value of Your messages versus the irrelevant, life wasting spam that daily bombards us. Show us the messages You want us to retrieve...to learn from, to meditate on and to put into practice. Finally, Lord, show us the Words You'd have us forward or repost to share with others. Thank You for seeing and meeting our need for Your guidance. I come to You in the precious name of Jesus, Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 508**, AN ACT concerning income taxation; relating to determination of income; limiting certain modifications to business income; amending K.S.A. 2015 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2447**, as amended by House Committee, be amended on page 3, following line 36, by inserting:

"Sec. 2. K.S.A. 2015 Supp. 75-5217 is hereby amended to read as follows: 75-5217. (a) At any time during release on parole, conditional release or postrelease supervision, the secretary of corrections may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the released inmate. The warrant shall authorize any law enforcement officer to arrest and deliver the released inmate to a place as provided by subsection (g). Any parole officer may

arrest such released inmate without a warrant, or may deputize any other officer with power of arrest to do so by giving such officer a written or verbal arrest and detain order setting forth that the released inmate, in the judgment of the parole officer, has violated the conditions of the inmate's release. A written arrest and detain order delivered to the official in charge of the institution or place to which the released inmate is brought for detention shall be sufficient warrant for detaining the inmate. After making an arrest the parole officer shall present to the detaining authorities a similar arrest and detain order and statement of the circumstances of violation. Pending a hearing, as provided in this section, upon any charge of violation the released inmate shall remain incarcerated in the institution or place to which the inmate is taken for detention.

(b) Upon such arrest and detention, the parole officer shall notify the secretary of corrections, or the secretary's designee, within five days and shall submit in writing a report showing in what manner the released inmate had violated the conditions of release. After such notification is given to the secretary of corrections, or upon an arrest by warrant as herein provided and the finding of probable cause pursuant to procedures established by the secretary of a violation of the released inmate's conditions of release, the secretary or the secretary's designee may cause the released inmate to be brought before the prisoner review board, its designee or designees, for a hearing on the violation charged, under such rules and regulations as the board may adopt, or may dismiss the charges that the released inmate has violated the conditions of release and order the released inmate to remain on parole, conditional release or post release supervision. A dismissal of charges may be conditioned on the released inmate agreeing to the withholding of credit for the period of time from the date of the issuance of the secretary's warrant and the offender's arrest or return to Kansas as provided by subsection (f). It is within the discretion of the board whether such hearing requires the released inmate to appear personally before the board when such inmate's violation results from a conviction for a new felony or misdemeanor. An offender under determinative sentencing whose violation does not result from a conviction of a new felony or misdemeanor may waive the right to a final revocation hearing before the board under such conditions and terms as may be prescribed by rules and regulations promulgated by the secretary of corrections. Relevant written statements made under oath shall be admitted and considered by the board, its designee or designees, along with other evidence presented at the hearing. If the violation is established to the satisfaction of the board, the board may continue or revoke the parole or conditional release, or enter such other order as the board may see fit. The revocation of release of inmates who are on a specified period of postrelease supervision shall be for a six-month period of confinement from the date of the revocation hearing before the board or the effective date of waiver of such hearing by the offender pursuant to rules and regulations promulgated by the board, if the violation does not result from a conviction for a new felony or misdemeanor. Such period of confinement may be reduced by not more than three months based on the inmate's conduct, work and program participation during the incarceration period. The reduction in the incarceration period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(c) If the violation results from a conviction for a new felony, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease supervision, even if the new conviction did not result in the imposition of a new term of

imprisonment.

(d) If the violation results from a conviction for a new misdemeanor, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease supervision.

(e) In the event the released inmate reaches conditional release date as provided by K.S.A. 22-3718, and amendments thereto, after a finding of probable cause, pursuant to procedures established by the secretary of corrections of a violation of the released inmate's conditions of release, but prior to a hearing before the prisoner review board, the secretary of corrections shall be authorized to detain the inmate until the hearing by the board. The secretary shall then enforce the order issued by the board.

(f) If the secretary of corrections issues a warrant for the arrest of a released inmate for violation of any of the conditions of release and the released inmate is subsequently arrested in the state of Kansas, either pursuant to the warrant issued by the secretary of corrections or for any other reason, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest, except as provided by subsection (i).

If a released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state, and the released inmate has been authorized as a condition of such inmate's release to reside in or travel to the state in which the released inmate was arrested, and the released inmate has not absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant to the date of the released inmate's arrest, except as provided by subsection (i). If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state for reasons other than the secretary's warrant and the released inmate does not have authorization to be in the other state or if authorized to be in the other state has been charged by the secretary with having absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant by the secretary to the date the released inmate is first available to be returned to the state of Kansas, except as provided by subsection (i). If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of a condition of release is subsequently arrested in another state pursuant only to the secretary's warrant, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest, regardless of whether the released inmate's presence in the other state was authorized or the released inmate had absconded from supervision, except as provided by subsection (i).

The secretary may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release and may direct that all reasonable means to serve the warrant and detain such released inmate be employed including, but not limited to, notifying the federal bureau of investigation of such violation and issuance of warrant and requesting from the federal bureau of investigation any pertinent information it may possess concerning the whereabouts of the released inmate.

(g) Law enforcement officers shall execute warrants issued by the secretary of corrections, and shall deliver the inmate named in the warrant to the jail used by the

county where the inmate is arrested unless some other place is designated by the secretary, in the same manner as for the execution of any arrest warrant.

(h) For the purposes of this section, an inmate or released inmate is an individual under the supervision of the secretary of corrections, including, but not limited to, an individual on parole, conditional release, postrelease supervision, probation granted by another state or an individual supervised under any interstate compact in accordance with the provisions of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et seq., and amendments thereto.

(i) Time not credited to the released inmate's sentence pursuant to subsection (f) shall be credited if the violation charges are dismissed without an agreement providing otherwise or the violations are not established to the satisfaction of the board.;

Also on page 3, in line 37, by striking "is" and inserting "and 75-5217 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "delinquent time lost on parole;"; in line 3, after "21-6821" by inserting "and 75-5217"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **HB 2462**, as amended by House Committee, be amended on page 1, in line 25, by striking "\$2,000" and inserting "\$1,250"; in line 28, by striking "\$2,000" and inserting "\$1,250"; in line 31, by striking "\$2,000" and inserting "\$1,250"; in line 36, by striking "\$250" and inserting "\$50"; also in line 36, by striking "\$2,000" and inserting "\$1,250";

On page 2, in line 1, after "has" by inserting ", within five years immediately preceding commission of the crime, excluding any period of imprisonment,"; and the bill be passed as amended.

**HB 2501**, as amended by House Committee of the Whole, be amended on page 2, in line 21, by striking "or permitting the dissemination of"; in line 23, by striking "in a state of undress" and inserting "engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person,"; and the bill be passed as amended.

**HB 2545**, as amended by House Committee of the Whole, be amended on page 2, in line 5, after "family" by inserting ", as defined in K.S.A. 74-7335, and amendments thereto"; in line 37, by striking "or"; in line 41, after "information" by inserting "; or

(J) constitute a clearly unwarranted invasion of personal privacy. As used in this subparagraph, "clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person and is totally unrelated to the alleged crime that resulted in the issuance of the arrest warrant, including information totally unrelated to the alleged crime that may pose a risk to a person or property and is not of legitimate concern to the public";

On page 6, in line 7, by striking "or"; in line 11, after "information" by inserting "; or

(J) constitute a clearly unwarranted invasion of personal privacy. As used in this subparagraph, "clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person and is totally unrelated to the alleged crime that resulted in the issuance of the search warrant, including information totally unrelated to the alleged crime that may pose a risk to a person or property and is not of legitimate concern to the public";

On page 7, in line 7, after "family" by inserting ", as defined in K.S.A. 74-7335, and

amendments thereto"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2112**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2112," as follows:

"Senate Substitute for HOUSE BILL No. 2112

By Committee on Judiciary

"AN ACT concerning children and families; enacting the host families act; relating to temporary care for children.";

And the substitute bill be passed.

Also, **SB 439** be amended on page 1, in line 7, by striking all after "court"; by striking all in lines 8 and 9; in line 10, by striking all before "shall" and inserting ", other high crimes and misdemeanors"; in line 12, by striking "treason,;" in line 13, by striking all before the semicolon and inserting "offenses which bear on the justice's fitness for the duties such justice holds, which such justice is bound by oath or affirmation to perform"; in line 23, by striking "or judge"; in line 31, by striking all after "impeachment"; by striking all in line 32; in line 33, by striking all before the period;

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

Also on page 1, following line 33, by inserting:

"Sec. 2. For the purposes of sections 27 and 28 of article 2 of the constitution of the state of Kansas, in an impeachment proceeding against a constitutional officer of the executive department, other high crimes and misdemeanors shall include, but not be limited to, any one or more of the following:

- (a) Commission of offenses which bear on the officer's fitness for the duties such officer holds, which such officer is bound by oath or affirmation to perform;
- (b) commission of other indictable criminal offenses;
- (c) commission of a breach of the public trust;
- (d) failure to perform adequately the duties of office;
- (e) attempting to subvert fundamental laws and introduce arbitrary power;
- (f) attempting to usurp the power of the legislative or judicial branch of government;
- (g) exhibiting discourteous conduct toward persons with whom the officer deals in an official capacity;
- (h) exhibiting wanton or reckless conduct;
- (i) exhibiting personal misbehavior or misconduct;
- (j) failure to properly supervise, administer or discipline executive branch personnel; or
- (k) such other actions which in accordance with section 28 of article 2 of the constitution of the state of Kansas may constitute grounds for impeachment.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "relating to grounds for impeachment of" and inserting "concerning impeachment; relating to other high crimes and misdemeanors,;" in line 2, by striking "certain judges of the district court" and inserting "constitutional officers of the executive department"; and the bill be passed as amended.

**Sub HB 2151** be amended on page 3, in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**Sub HB 2289** be amended on page 1, in line 25, before "(D)" by inserting "and"; in line 26, by striking all after "officer"; by striking all in lines 27 through 30; in line 31, by striking all before the period;

On page 2, in line 5, before "(D)" by inserting "and"; in line 6, by striking all after "breath"; by striking all in lines 7 through 11; in line 12, by striking "seizures";

On page 3, in line 7, by striking "are"; by striking all in lines 8 and 9; in line 10, by striking all before the semicolon and inserting "cannot be decided at the administrative hearing, but may be preserved and raised in a petition for review of the hearing as provided in K.S.A. 8-1020(o) and (p), and amendments thereto";

On page 8, in line 40, by striking all after the period; by striking all in line 41; in line 42, by striking all before the period and inserting "Notwithstanding K.S.A. 77-617, and amendments thereto, the court: (1) May also consider and determine any constitutional issue, including, but not limited to, the lawfulness of the law enforcement encounter, even if such issue was not raised before the agency; and (2) shall also consider and determine any constitutional issue, including, but not limited to, the lawfulness of the law enforcement encounter, if such issue is raised by the petitioner in the petition for review, even if such issue was not raised before the agency";

On page 9, in line 1, by striking all before the second "the"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 437** be amended on page 1, in line 5, by striking the quotation mark; in line 6, by striking the quotation mark; in line 7, after "(b)" by inserting "As used in this section:

(1) Procedures, food, medication or nutrition are "life-sustaining" if, in reasonable medical judgment, the withdrawal or withholding of such procedures, food, medication or nutrition would result in or hasten the death of the patient.

(2) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(c)";

Also on page 1, in line 10, by striking all after "life-sustaining"; in line 11, after "treatment" by inserting ", including any policies related to healthcare deemed futile, inappropriate or non-beneficial,"; following line 21, by inserting:

"(f) Permission previously given under subsection (d) or (e) may be revoked in writing by the legal guardian or either parent of the patient. If the parents are unable to agree to withhold life-sustaining procedures, food, medication, nutrition or resuscitation, either parent may petition a district court of the county in which the patient resides or in which the patient is receiving treatment to resolve the conflict based on a presumption in favor of the provision of life-sustaining procedures, food, medication, nutrition and resuscitation, unless there is clear and convincing evidence that such provision is contrary to the best interests of the child. Upon receiving such a petition, the district court shall issue an order fixing the date, time and place of the trial on the petition and order that notice of the trial shall be given to such persons as the court shall direct. The trial may be held forthwith and without notice if the court determines that holding a trial forthwith and without notice is in the best interests of the petitioner. In the court's discretion, a trial may be conducted in a courtroom, a treatment

facility or at some other suitable place. Pending the final outcome of such proceedings, including any appeals, no permission under subsection (d) or (e) may be implemented.

(g) Subject to subsection (h), the requirements for written permission in subsections (d) and (e) shall not apply if providing resuscitation or food, medication or nutrition would be:

(1) Futile because, in reasonable medical judgment, withholding resuscitation or food, medication or nutrition would not cause or hasten the death of the patient; or

(2) medically inappropriate because, in reasonable medical judgment, providing resuscitation or food, medication or nutrition would create a greater risk of causing or hastening the death of the patient than withholding resuscitation or food, medication or nutrition.

(h) Subsection (g) may be implemented, so long as a reasonably diligent effort has been made to contact at least one parent or legal guardian who, if contacted, has been informed of the planned withholding of food, medication or nutrition or do-not-resuscitate order, and the healthcare provider has cooperated with the parent or legal guardian's efforts to obtain other medical opinions or a transfer of the patient to a provider selected by the parent or guardian, if so requested.";

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

Also on page 1, in the title, in line 1, by striking "dealing with" and inserting "relating to"; in line 2, by striking "of certain persons" and inserting "from patients under 18 years of age; permission requirements and exceptions; dispute resolution"; and the bill be passed as amended.

## REPORT ON ENROLLED BILLS

**SB 423** reported correctly enrolled, properly signed and presented to the Governor on March 11, 2016.

**SR 1773, SR 1774, SR 1775, SR 1776** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 11, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 7 through March 11 2016:

Senator Arpke: congratulating Nikki Chamberlain on being named a 2016 Master Teacher;

Senator Bowers: congratulating Brennan Eilert on receiving the 2016 Student Council Advisor of the Year Award, congratulating Caroline Scoville on receiving the 2016 Outstanding Training Officer of the Year Award, congratulating Richard and Brenda Peterson on receiving the 2016 Community Leadership Award, congratulating Jack and Kathie Crispin on receiving the 2016 Chamber Member of the Year Award, congratulating Kathy Coleman on receiving the 2016 Service Director Award;

Senator Francisco: recognizing Jazmyne McNair on being named the 2016 Boys and Girls Club's Youth of the Year;

Senator Hawk: congratulating Cooper Lohman on receiving the Prudential Spirit of Community Award;

Senator Love: recognizing Raistlin Welker on achieving the rank of Eagle Scout;

Senator Pyle: congratulating Ethan McPherson on receiving the Prudential Spirit of Community Award, recognizing Emma Brase on receiving the Girl Scout Gold Award, recognizing Breana Brooks on receiving the Girl Scout Gold Award, recognizing Elisha Wilcock on receiving the Girl Scout Gold Award, recognizing Madison Williams on receiving the Girl Scout Gold Award; and

Senator Tyson: recognizing the City of Fort Scott and Fort Scott residents for their support of wounded veterans.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 14, 2016.

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 14, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Melcher was excused.

President Wagle introduced guest Chaplain, Pastor Gary Roten, Emmanuel Baptist Church, Topeka, who delivered the invocation:

Jesus this afternoon I pray for this Senate body of Kansas. I pray: That they be granted wisdom, knowledge, and understanding for the challenges they are facing. That they will respect authority and practice accountability to each other and other parts of our Kansas government. That they will be honest in our state's financial, tax and ethical matters. That they will desire honesty and integrity in their public and private life. That they will have the courage to resist manipulation, pressure and the fear of man. That they will continue to seek ways to be generous and have compassionate hearts for the poor and needy. That they would seek to find ways to restore the sanctity of life, families, and morality in our nation. That they will have a desire for humility and meekness and have a desire to serve and cooperate with their fellow state senators. I pray in their personal life: That they will be honest and faithful to their family. That they will have a desire for purity. That they be prepared to give an account to Almighty God. Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 509**, AN ACT concerning state finances; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections, by Committee on Ways and Means.

**SB 510**, AN ACT concerning medical marijuana; eliminating criminal penalties and professional discipline for recommendation, distribution or possession of medical marijuana or related paraphernalia, by Committee on Ways and Means.

**SB 511**, AN ACT concerning the state health care benefits program; relating to the powers of the Kansas state employees health care commission; requiring legislative approval before changing coverage options; establishing qualified participants;

amending K.S.A. 2015 Supp. 75-6501 and repealing the existing section, by Committee on Ways and Means.

**SB 512**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning assuring student success act; amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6476, 72-6481 and 74-4939a and repealing the existing sections, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 508**.

Public Health and Welfare: **HB 2369**, **HB 2571**.

Ways and Means: **HB 2509**.

### MESSAGES FROM THE GOVERNOR

March 2, 2016

*To the Senate of the State of Kansas:*

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

SAM BROWBACK  
*Governor*

*Member, State Board of Indigent Defense Services*, Paul Beck (D), Ness City, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2019, to succeed himself.

*Member, Human Rights Commission*, Harold Schorn, Jr., (D), Newton, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2018, to succeed Marilyn Wilder.

*Member, Human Rights Commission*, Melvin Neufeld (R), Garden City, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15-2020, to succeed himself.

*Member, University of Kansas Hospital Authority*, Robba Moran (R), Manhattan, pursuant to the authority vested in me by K.S.A. 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Dave Kerr.

*Member, University of Kansas Hospital Authority*, Mark Uhlig (R), Leawood, pursuant to the authority vested in me by K.S.A. 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed Dr. Dan Thomas.

*Member, State Banking Board*, Brian Weisel (U), Salina, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2018, to succeed Dale Koch.

*Member, Kansas Lottery Commission, James Washington (R), Basehor, pursuant to the authority vested in me by K.S. A. 74-8709 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed himself.*

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2573**.

Announcing passage of **SB 369**.

Announcing passage of **SB 390**, as amended.

Announcing passage of **SB 55**, as amended by **H Sub SB 55**.

Announcing passage of **HB 2607**, **HB 2617**, **HB 2662**.

Announcing passage of **SB 325**, as amended.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2573**, **HB 2607**, **HB 2617**, **HB 2662** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1777—

A RESOLUTION commemorating the 75<sup>th</sup> Anniversary of Civil Air Patrol.

WHEREAS, Civil Air Patrol (CAP) was founded on December 1, 1941, by a fledgling group of volunteers led by civilian pilots who flew their own planes, at their own expense, to support the Allied Powers' efforts in World War II. After the United States became involved in the war, Civil Air Patrol primarily flew reconnaissance missions near the country's coasts to protect cargo ships, especially vital oil tankers that were being sunk at such an alarming rate that it would, according to U.S. Army Chief of Staff Gen. George Marshall, "threaten our entire war effort"; and

WHEREAS, So many submarines were spotted by these "subchasers" that a decision was soon made by the military to arm the light aircraft with small bombs and the larger aircraft with 325-pound depth bombs, putting these brave civilians at great risk, as they were often flying 100 miles or more from shore in unpredictable weather; and

WHEREAS, Over the next year and a half, these subchasers played an integral role in the defense of America's home front during World War II, spotting 143 German submarines, attacking 57 while directing shore-based fighting units to their targets and forcing the enemy to move farther offshore; and

WHEREAS, The wartime effort, which included border patrol operations, search and rescue, disaster relief, forest fire patrol, emergency transportation of personnel and critical cargo and towing of practice targets for the U.S. military, also resulted in the

loss of 26 coastal patrol members and 90 aircraft in the war's beginning stages, as well as the loss of 150 aircraft and 66 deaths by the war's end; and

WHEREAS, Civil Air Patrol's work on the coast was heralded as a great success, prompting President Harry S. Truman to sign Public Law 476 in 1946, which chartered CAP as a benevolent, nonprofit organization, and nearly two years later, in 1948, the Congress of the United States passed Public Law 557, permanently establishing CAP as the official auxiliary of the U.S. Air Force with the three primary missions of Emergency Services, Cadet Programs and Aerospace Education; and

WHEREAS, Since that auspicious beginning, a modern day Civil Air Patrol has emerged to become one of the nation's premier humanitarian service organizations, saving lives, finding those who are lost, helping fellow citizens in times of disaster, working to keep America safe, preparing future leaders, offering aerospace education to inspire our nation's youth and honoring our military; and

WHEREAS, Civil Air Patrol, forged by a late-century revolution in search and rescue technology, became known worldwide for its unique emergency services operations and for performing vital search and rescue, disaster relief and other important emergency missions for what now numbers more than 1,400 communities across the United States, the District of Columbia and Puerto Rico; and

WHEREAS, Civil Air Patrol, supported by the world's largest fleet of single-engine aircraft equipped with high-technology tools like full-motion video, infrared cameras and glass cockpit instrumentation, has established itself among the nation's search and rescue elite, now participating in up to 90% of the Air Force's inland search and rescue missions; and

WHEREAS, Civil Air Patrol has more than 8,000 air crew members and 30,000 emergency responders trained to Federal Emergency Management Agency standards; has contributed free services valued at \$164 million in 2015 by serving the disaster relief and emergency service needs of communities in the United States, the District of Columbia and Puerto Rico; has saved thousands of lives in its 75-year history; and has a fleet of more than 950 emergency services vehicles for training and mission support; and

WHEREAS, A top resource for disaster relief, Civil Air Patrol is often first on the scene, providing aerial photography and damage assessment to help emergency officials pinpoint critical infrastructure needs in real time as well as ground team support, often providing door-to-door services, which include water, food and supply delivery, and sometimes even laundry services, for victims; and

WHEREAS, Recent high-visibility Civil Air Patrol missions have included responses to tornadoes that have ravaged communities across America, forest fires in numerous states, tsunamis on the Hawaiian and Pacific coasts, hurricanes Katrina and Sandy, wildfires in the Southwest, floods in the Midwest, the September 11<sup>th</sup> terrorist attacks and counterdrug missions across the nation that have helped remove over \$1 billion in illegal drugs from our communities; and

WHEREAS, The aircraft of Civil Air Patrol were the only nonmilitary planes allowed in the skies over the U.S. in the immediate aftermath of the September 11<sup>th</sup> terrorist attacks, and CAP has since performed admirably in other homeland security missions, including responding to the Deepwater Horizon oil spill in the Gulf of Mexico, a continuous 118-day effort, by taking the tens of thousands of aerial photographs necessary for assessing environmental damage, deploying containment

assets and successfully working side by side with numerous state and federal agencies, all the while saving the federal government an estimated \$22 to \$38 million for these services; and

WHEREAS, Civil Air Patrol sets the world standard for volunteer aviation emergency services, prompting other nations, like Denmark and the United Kingdom, to use the CAP model to establish or improve their own similar volunteer programs; and

WHEREAS, Civil Air Patrol's youth program currently includes more than 24,000 cadets who benefit from a curriculum that trains them to be leaders; offers them opportunities for flight, including pilot training; and teaches emergency services techniques, including lifesaving; and

WHEREAS, Civil Air Patrol reaches tens of thousands of the country's school-aged children and their teachers through a comprehensive selection of academic programs that stress the STEM subjects of science, technology, engineering and math, in addition to programs that encourage a drug-free lifestyle; and

WHEREAS, Civil Air Patrol's membership includes more than 475 chaplains who fulfill critical needs for deployed U.S. military chaplains and provide counseling services for soldiers and their families, as well as disaster victims; and

WHEREAS, In its partnership with Wreaths Across America, Civil Air Patrol annually honors military veterans by helping sponsor and place tens of thousands of wreaths at the graves of fallen soldiers at U.S. cemeteries nationwide and overseas; and

WHEREAS, Civil Air Patrol is celebrating 75 years of performing these "Missions for America": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 75<sup>th</sup> Anniversary of Civil Air Patrol and honor the men and women who have served, and those who continue to serve, their fellow citizens through Civil Air Patrol, a noble and patriotic organization; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1777** was adopted by voice vote.

## REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2436** be amended on page 5, in line 3, following "after" by inserting "January 1, 2017, and"; and the bill be passed as amended.

Also, **Sub HB 2473** be amended on page 3, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2522** be amended on page 3, in line 33, before "digital" by inserting ": (1)"; also in line 33, after "photograph" by inserting a semicolon; also in line 33, by striking "black and white" and inserting "(2) a";

On page 5, in line 3, after the comma by inserting "either: (1)"; also in line 3, after "photograph" by inserting a semicolon; also in line 3, by striking "black and white" and inserting "(2) a"; in line 14, after "until" by inserting "either: (1)"; in line 15, after the first "photograph" by inserting a semicolon; also in line 15, by striking "black and white" and inserting "(2) a"; in line 18, after "cause" by inserting "either: (1)"; in line 19, after the first "photograph" by inserting a semicolon; also in line 19, by striking "black and white" and inserting "(2) a"; in line 23, after "containing" by inserting "either: (1)"; in line 24, after "photograph" by inserting a semicolon; also in line 24, by

striking "black and white" and inserting "(2) a";

On page 9, in line 22, after the second comma by inserting "either: (1)"; in line 23, after the first "photograph" by inserting a semicolon; also in line 23, by striking "black and white" and inserting "(2) a"; and the bill be passed as amended.

**HB 2563**, as amended by House Committee, be amended on page 2, in line 18, by striking "\$50" and inserting "\$25"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 15, 2016.

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 15, 2016, 2:30 p.m.

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

Heavenly Father, every day that You give us is a new one...with new challenges. You give us new opportunities to address old issues. In Lamentations 3:22-23, it says Your mercies are new every day and Your compassion does not fail. So, Father, on this new day, as we tussle with new and old concerns, give us a new portion of Your wisdom...a new amount of determination to serve as Your instruments of right and righteousness. In Your faithfulness toward these servants, give us a new resolve to be definite expressions of Your will rather than our own. Like the songwriter, help us declare, "Great Is Your Faithfulness, O God my Father. There is no shadow of turning with Thee; Thou changest not, Thy compassion, they fail not; As Thou hast been Thou forever wilt be. Great is Thy faithfulness! Great is Thy faithfulness! Morning by morning new mercies we see; All we have needed Thy hand hath provided, Great is Thy faithfulness, Lord, unto me!" Thank You Father, that as You give us a new day, You give us a new reminder that we can trust Your faithfulness. I come to You in the name of Christ Jesus, Amen

The Pledge of Allegiance was led by President Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize the citizens of Fort Scott, Kansas, for their generous support of freedom fighters from the War on Terror in Iraq and Afghanistan. They were challenged to raise \$15,000 toward the purchase of an all-terrain track chair for a seriously wounded veteran of that war. They exceeded that goal by \$2,000. Senator Tyson commended the fund's organizers, the City of Fort Scott and the generosity of Fort Scott residents for their dedication to their community and the State of Kansas.

Guests introduced were Mayor Cindy Bartelsmeyer, Betty Boyko, Jon Garrison, Jim Scott, Martha Scott, Tim Emerson, Anne Emerson and Andy Emerson.  
Senators honored the guests with a standing ovation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2617**.

Federal and State Affairs: **HB 2573**.  
 Financial Institutions and Insurance: **SB 511**.  
 Public Health and Welfare: **SB 510; HB 2607**.  
 Ways and Means: **SB 509, SB 512; HB 2662**.

#### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member, State Board of Indigents Defense Services:*

Paul Beck, to serve a term ending January 15, 2019.

Committee on Judiciary

*Member, Kansas Human Rights Commission:*

Melvin Neufeld, to serve a term ending January 15, 2020.

Committee on Federal and State Affairs

*Member, State Lottery Commission:*

James Washington, to serve a term ending March 15, 2020.

Committee on Federal and State Affairs

*Member, State Banking Board:*

Brian Weisel, to serve a term ending March 15, 2018.

Committee on Financial Institutions and Insurance

*Member, University of Kansas Hospital Authority:*

Mark Uhlig, to serve a term ending March 15, 2020.

Committee on Public Health and Welfare

*Member, University of Kansas Hospital Authority:*

Robba Moran, to serve a term ending March 15, 2018.

Committee on Public Health and Welfare

*Member, Kansas Human Rights Commission:*

Harold Schorn, to serve a term ending January 15, 2018.

Committee on Federal and State Affairs

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1778—

A RESOLUTION commemorating the 75<sup>th</sup> Birthday of M&M'S® Brand Chocolate Candies in the State of Kansas and designating the month of March as M&M'S® Brand Chocolate Candies Month.

WHEREAS, It is fitting that the Kansas Legislature should recognize Mars, Incorporated, whose dedicated service has significantly contributed to the economic vitality of Kansas; and

WHEREAS, In the State of Kansas, Mars proudly produces M&M'S® candies and SNICKERS® bars; and

WHEREAS, The State of Kansas is home to the Mars Chocolate Topeka factory and seven BANFIELD® Pet Hospitals, employing over 350 Associates statewide; and

WHEREAS, The principle of mutuality is a Mars business model for success in Kansas. Mars has supported Topeka's community development through over \$230,000

in donations to Downtown Topeka's development and partnerships with Habitat for Humanity, Harvesters, Sheltered Living and Boo-It Downtown; and

WHEREAS, M&M'S® Brand Chocolate Candies will continue to be the people's chocolate. Since March 3, 1941, fans have made M&M'S® the most popular Chocolate Candy on earth that "melts in your mouth, not in your hands"; and

WHEREAS, Mars produced the first M&M'S® in 1941, and later, exclusively, as military rations during World War II. Since then, the bite-sized pieces of chocolate in a colorful candy shell have become instantly recognizable all over the globe; and

WHEREAS, For the second year, the M&M'S® Brand will partner with NBC and Comic Relief as a title sponsor to raise awareness and money for the Red Nose Day Fund, an organization that helps to lift children out of poverty. In 2015, the M&M'S® Brand donated more than \$1.3 million to Red Nose Day charities; and

WHEREAS, In keeping with its legacy as a supporter of the military, Mars will donate \$750,000 worth of product to Operation Gratitude for inclusion in military care packages: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we hereby designate the month of March as M&M'S® Brand Chocolate Candies Month in commemoration of this product's 75 years of excellence worldwide and the contributions of Mars, Incorporated, to the State of Kansas; and

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

On emergency motion of Senator V. Schmidt **SR 1778** was adopted by voice vote.

Guests introduced were Bret Spangler, Mark Broadhurst and Nicholas Koulermos.

Senators honored the guests with a standing ovation.

Senators Tyson, Baumgardner, Bowers, Denning, Fitzgerald, Francisco, Hawk, Hensley, Holmes, Kelly, King, Longbine, McGinn, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1779—

A RESOLUTION commemorating Osawatomie State Hospital's 150<sup>th</sup> Anniversary.

WHEREAS, On January 14, 1863, during his inaugural address to the Kansas Legislature, Governor Thomas Carney referred to article VII, section 1 of the constitution of the state of Kansas, which encourages the establishment of benevolent institutions for the mentally ill. Governor Carney challenged the legislators, stating, "This appeals directly to you and, as you are able, you will respond to the appeal. The state which cares best for these unfortunates is always the truest in council and the noblest in action"; and

WHEREAS, The Kansas Legislature passed an act on February 29, 1863, that chose Osawatomie, a town held in high esteem by abolitionist leaders, as the location for the first of these benevolent institutions; and

WHEREAS, The treatment and rehabilitation of the mentally ill in Kansas began nearly 150 years ago, on November 5, 1866, when the first patient was admitted to a simple farmhouse, near Osawatomie, Kansas, that served as the state's first public mental hospital; and

WHEREAS, Dr. C. O. Gause, a Quaker physician, served as the first superintendent of the Osawatomie State Hospital. In a time when many of the causes of mental

illnesses were unknown and mentally ill individuals were often treated with merciless cruelty, Dr. Gause fervently believed that the mentally ill could be cured and approached his patients with a sympathetic and humanitarian outlook; and

WHEREAS, By 1912, the Osawatomie State Hospital sprawled over 1,003 acres of land and was composed of numerous stately buildings that could serve more than 1,000 patients; and

WHEREAS, Throughout the 150 years of the Osawatomie State Hospital's history, the interest or apathy of Kansas citizens has been reflected in the good and bad cycles of the hospital's care; and

WHEREAS, In 1948, Kansas citizens became angered over reports of widespread neglect and brutality towards the Osawatomie State Hospital's patients and the deplorable conditions of the hospital's facilities. The people of Kansas, through their elected legislators, demonstrated that they wanted state hospitals that could provide humane conditions and effective modern treatments. The governor and legislature quickly initiated a reform plan, and new training programs were established. Kansas went from 47<sup>th</sup> among the then 48 states to first place, in the nation, in mental health facilities and treatment; and

WHEREAS, With the help of its able and dedicated staff, Osawatomie State Hospital continues to provide its vital services to adults diagnosed with psychiatric disorders, regardless of their legal status or ability to pay. The hospital currently serves individuals from 36 counties in Kansas in collaboration with 12 Community Mental Health Centers: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commemorate the 150<sup>th</sup> Anniversary of Osawatomie State Hospital and support its continuing mission to provide a safety net of mental health services for Kansans; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Tyson.

On emergency motion of Senator Tyson **SR 1779** was adopted by voice vote.

#### **CHANGE OF REFERENCE**

An objection having been made to **HB 2567** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

#### **ACTION ON VETO MESSAGES**

Senator Wolf moved **SB 250** be passed notwithstanding the Governor's veto.

**SB 250** An act concerning the Joint committee on state building construction; reports of the secretary of administration.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Longbine, Lynn, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Donovan, Fitzgerald, Knox, LaTurner, Love, Masterson, Olson, Pilcher-Cook, Powell.

Absent or Not Voting: Melcher.

The Call was lifted.  
The veto was sustained.

#### EXPLANATION OF VOTE

Madam President: The contract regarding the Docking building may have been poorly conceived. Many people agree with that. However, the contract has been dissolved. It is over with. It is kaput. The parties to the contract are satisfied that there is nothing more. In caucus, we received information that if this veto override is successful, it could have a detrimental effect on the bond rating of Kansas. Some say that the odds of that happening is near zero. The bond attorneys who spoke to us said that the odds of a downgrade may not be great, but it is certainly a possibility and the issue will have to be addressed when the next bonds are sold. Since the contract is already nullified, and since there is a possibility of a Kansas downgrade that would cost the state millions of dollars; the logical conclusion is that there is another agenda at work behind the scenes. If the bond attorneys say that there is a risk, even small....does it make sense to move forward on this veto override when the upside is non-existent and the downside, albeit not a large probability, is huge. Therefore, I vote "No" on this veto override of **SB 250**.

—STEVE ABRAMS

Senators Baumgardner, Fitzgerald, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **SB 250**.

Madam President: **SB 250** cannot impact our bond rating unless it impacts a debt subject to annual appropriation. It clearly doesn't. The Kansas Legislature has not and will not ever fail to appropriate money to pay state debts. **SB 250** continues this commitment to pay our bills in full and on time by promising to pay any and all obligations to the state arising from the now canceled contract. Our attorneys, outside lawyers and the Administration itself, have promised us that the state has paid all obligations under the contract in full. Because this bill continues our solid commitment to meet the state's debt obligations today and in the future, I vote "Aye."—JEFF KING

Senators Haley, Holland, Holmes, Kelly, Lynn, Smith, Wilborn and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator King on **SB 250**.

#### ACTION ON VETO MESSAGES

Senator Denning moved to override the Governor's line item veto of Sections 35(g) and 36(f) of **H Sub SB 161**.

**H Sub SB 161**, Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 1; Absent or Not Voting 1.

Yeas: Arpke, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Abrams, Bruce, Fitzgerald, Haley, LaTurner, Masterson, Pettey, Powell.

Present and Passing: Francisco.

Absent or Not Voting: Melcher.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto of Section 35(g) and Section 36(f) prevailed.

#### EXPLANATION OF VOTE

Madam President: While I applaud the efforts to regain the funds, and I believe that the proceeds of the STAR bonds district should go to the general fund thereby reducing the burden on Kansas taxpayers, I must take offense to the singling out of Wyandotte County for special negative attention. STAR bonds must be properly used and I vote "No" on the line item veto of **H Sub SB 161**.—STEVE FITZGERALD

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Fitzgerald on **H Sub for SB 161**.

Madam President: I vote "No" on the motion to override the governor's line item veto on **H Sub SB 161** regarding Star Bonds. Singling Wyandotte County out undermines the success that the Star Bond tool has brought to Wyandotte County. Wyandotte County is the only county that has successfully used this economic tool to bring major tourist attractions to Kansas along with millions of dollars of private investment and thousands of new jobs. This legislature should be very cautious in changing an economic development tool that is working. This tool has already been amended 5 times in the last 12 years.—PAT PETTEY

#### LINE ITEM VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the Governor's line item veto of Section 48(o) of **H Sub SB 161**.

No motion having been offered to reconsider, President Wagle announced the Governor's line item veto on Section 48(o) was sustained.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2660**.

Announcing passage of **SB 334, SB 376**.

Announcing passage of **SB 337**, as amended by **H Sub SB 337**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2660** was thereupon introduced and read by title.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2480**, as amended by House Committee of the Whole, be amended on page 1, in line 20, by striking all after "thereto"; in line 21, by striking all before the colon; in line 24, by striking "sheep, goats, "; in line 27, by striking all after the semicolon; by striking all in line 28;

On page 5, in line 41, after "of" by inserting "a nondrug severity level 6, nonperson"; also in line 41, by striking all after "felony"; by striking all in line 42; in line 43, by striking all before the period; and the bill be passed as amended.

Committee on **Education** recommends **HB 2008**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2008," as follows:

"Senate Substitute for HOUSE BILL No. 2008  
By Committee on Education

"AN ACT concerning schools; creating the student online personal protection act.";  
And the substitute bill be passed.

Also, **HB 2622** be amended on page 1, in line 18, by striking "\$25" and inserting "\$24"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 481** be amended on page 1, in line 21, after "(b)" by inserting "(1)"; following line 27, by inserting:

"(2) No transitional release or conditional release facility or building shall be located within 300 feet of any residence in which a child under 18 years of age resides.

(3) "; and the bill be passed as amended.

Also, **HB 2502**, as amended by House Committee, be amended on page 2, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2696** be amended on page 8, in line 27, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2456** be amended on page 16, in line 40, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2615**, as amended by House Committee, be amended on page 7, in line 5, by striking "(j)" and inserting "(i)"; in line 19, by striking "(k)" and inserting "(j)"; in line 25, by striking "(l)" and inserting "(k)";

On page 10, in line 14, by striking all after "(f)"; by striking all in lines 15 through 18; in line 19, by striking all before "Medically";

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

Also, on page 10, following line 34, by inserting:

"Sec. 4. K.S.A. 75-6120 is hereby amended to read as follows: 75-6120. (a) The secretary of health and environment may enter into agreements with charitable health care providers in which such charitable health care provider stipulates to the secretary of health and environment that when such charitable health care provider renders professional services to a medically indigent person such services will be provided gratuitously. The secretary of health and environment shall adopt rules and regulations which specify the conditions for termination of any such agreement, and such rules and regulations are hereby made a part of any such agreement. A charitable health care provider for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously at a time when an agreement entered into by the charitable health care provider with the secretary of health and environment under this section was in effect, shall be considered an employee of the state under the Kansas tort claims act, notwithstanding the provisions of article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(b) The secretary of health and environment shall establish by rules and regulations eligibility criteria for determining whether a person qualifies as a medically indigent person.

(c) Any claim arising from the rendering of or failure to render professional services by a charitable health care provider brought pursuant to the Kansas tort claims

act shall not be considered by an insurance company in determining the rate charged for any professional liability insurance policy for health care providers or whether to cancel any such policy.

(d) The secretary of health and environment shall annually report, starting on January 15, 2017, to the senate committee on public health and welfare and the house committee on health and human services which type of charitable healthcare providers have signed agreements under the act and how many are using it to provide gratuitous care.

(e) This section shall be part of and supplemental to the Kansas tort claims act."; Also on page 10, in line 35, before "K.S.A" by inserting "K.S.A. 75-6120 and"; And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "application of the Kansas tort claims act"; also in line 2, after "amending" by inserting "K.S.A. 75-6120 and"; and the bill be passed as amended.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **H Sub SB 55** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 390** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Masterson the Senate nonconcurrred in the House amendments to **H Sub SB 193** and requested a conference committee be appointed.

The President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurrred in the House amendments to **SB 325** and requested a conference committee be appointed.

The President appointed Senators Smith, Knox and Pettey as a conference committee on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **H Sub SB 337** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

**SB 484, SB 485** be passed.

**Sub HB 2062** be amended by the adoption of the committee amendments, and **Sub HB 2062** be passed as amended.

**HCR 5024** be adopted.

A motion by Senator Holland to amend **SB 485** was offered. A ruling of the chair was requested as to the germaneness to the amendment. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Francisco to amend **HCR 5024** failed and the following amendment was rejected: on page 1, in line 6, by striking all after "Leavenworth"; in line 7, by striking all before the semicolon; by striking all in lines 21 through 28.

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

On roll call, the vote was: Yeas 7; Nays 29; Present and Passing 2; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Kelly, Wolf.

Absent or Not Voting: King, Melcher.

#### EXPLANATION OF VOTE

Madam President: I vote "Aye" on the amendment to strike certain language from **HCR 5024** that urges the President of the United States to abandon the threatened transfer of terrorist detainees to Fort Leavenworth. There is no substantiation for the accusations that the President of the United States has disregarded the wishes or the safety of the people of Kansas nor that this President has demonstrated a willingness to violate American law nor that the President has continuously sought to weaken our standing in the world. Without such substantiation it is reckless to make such accusations against our Commander-in-Chief and does nothing to advance the interest of the people of Kansas in asking for thoughtful consideration from our President. I urge the body to engage in civil discourse and to reject the kind of incendiary statements like those that are being made in this resolution.—DAVID HALEY

Senators Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **HCR 5024**.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 484**, **SB 485**; **HB 2062**; **HCR 5024** were advanced to Final Action and roll call.

**SB 484**, AN ACT concerning tribal-state compacts; approving a compact between the Prairie Band Potawatomi Nation and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**SB 485**, AN ACT concerning tribal-state compacts; approving a compact between the Iowa Tribe of Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales and taxation.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**Sub HB 2062**, AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; secured transactions; amending K.S.A. 84-4a-108 and K.S.A. 2015 Supp. 84-9-408, 84-9-803, 84-9-805 and 84-9-807 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HCR 5024**, A CONCURRENT RESOLUTION urging the President of the United States to obey the Constitution and abandon the threatened transfer of terrorist detainees to Fort Leavenworth.

A two-thirds constitutional majority having voted in favor of the resolution, **HCR 5024** was adopted.

A Call of the Senate was requested.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Pettey.

Absent or Not Voting: Melcher.

The Call was lifted.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 16, 2016.

# Journal of the Senate

FORTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 16, 2016, 2:30 p.m.

The Senate was called to order by Vice President King.

The roll was called with 39 senators present.

Senator Melcher was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You've chosen to bring Your influence into our lives through different human authorities, that we may lead peaceful, quiet, Godly lives. You said in 1 Timothy 2:1-4, that it would be good and pleasing to You, for us to pray...to pray for all of those You have placed in positions of authority. In addition to those You have elevated in the political realm, we're blessed to honor and pray for those in authority in the spiritual realm. You've blessed us to have several Pastors present today. You also said in Hebrews 13:17 that we should obey and submit to our spiritual leaders because You have them keeping watch over our souls, guarding our spiritual welfare. So, Lord, as we pray for them, keep us reminded of the tremendous weight of responsibility they carry. Help us, as congregants, to contribute to the joy, rather than the frustration of their leadership, realizing that if we make things difficult for them, You said we would make things difficult for ourselves. Help us to ease their burdens. And even when we do mess up...even when we don't cooperate with our Pastors, help them to not take it personally. Clarify things for them, as You did for Your Prophet in 1 Samuel 8:7. You told that man of God that it wasn't him they were rejecting but it was You. So, again Lord, please encourage all of our leaders. Bless all of those with authoritative responsibilities; domestically, for our homes; politically, for our government and spiritually, for our souls. I come to You in the precious name of Jesus, Amen and Amen

The Pledge of Allegiance was led by Vice President King.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 513**, AN ACT concerning school districts; creating the student physical privacy act, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **HB 2660**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub SB 103; SB 175**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1780—

A RESOLUTION commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

WHEREAS, There are hosts of ministers, pastors, priests and rabbis serving throughout Kansas; and

WHEREAS, They produce God-honoring and prosperous families that help to nurture the spirits of future generations; and

WHEREAS, They preach and teach in ways that impact and enrich lives, causing many to live in more fulfilling ways; and

WHEREAS, As shepherds, who are to protect, they correct wrongs, reflect justice and seek fairness in organizations, families and government; and

WHEREAS, They provide creative approaches to challenges, resulting in better practices; and

WHEREAS, They pioneer the creation of new programs, policies and services; and

WHEREAS, They help cultivate people's strengths and challenge people to step up and step out in communities: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend our ministers, pastors, priests and rabbis for their leadership in villages, counties, cities and our state and for their priceless commitment to improving lives. We thank God for each one of them; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Arpke.

On emergency motion of Senator Arpke **SR 1780** was adopted by voice vote.

Guests present were Kenneth Harder, Kenneth Isaac, Diane Isaac, Jason Guenther, David Froese, Susan Froese, Jane Flora-Swick, Pamela Mason, Steve Gee, Michael Garner, Susan Garner, Lou Counselman, Daniel Ensz, Kathy Ensz, Vicki Taylor, Reg Wescott, Linda Wescott, William Graves, Dalton Glasscock and Colby Rankin.

Senators honored the guests with a standing ovation.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Petersen the following report was adopted:

**SB 454; HB 2454** be passed.

**SB 421; HB 2446, HB 2447, HB 2462, HB 2501, HB 2545** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Baumgardner to amend **HB 2545** failed and the following amendment was rejected: on page 2, in line 40, after the stricken material by inserting "or";

On page 3, in line 1, by striking all after "information"; by striking all in lines 2 through 7; in line 8, by striking all before the period;

On page 6, in line 17, after the stricken material by inserting "or"; in line 21, by striking all after "information"; by striking all in lines 22 through 27; in line 28, by striking all before the period.

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

On roll call, the vote was: Yeas 14; Nays 21; Present and Passing 4; Absent or Not Voting 1.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Lynn, McGinn, Pettey, V. Schmidt, Tyson, Wilborn.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Masterson, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Present and Passing: Kelly, Longbine, O'Donnell, Wolf.

Absent or Not Voting: Melcher.

The committee report on **HB 2112** recommending **S Sub HB 2112** be adopted, and the substitute bill be passed.

**Sub HB 2151** be amended by the adoption of the committee amendments, be further amended by motion of Senator King: on page 1, in line 6, by striking "2014" and inserting "2015";

On page 3, in line 37, by striking "2014" and inserting "2015";

On page 1, in the title, in line 2, by striking "2014" and inserting "2015";

And **Sub HB 2151** be passed as further amended.

**SB 457** be amended by the adoption of the committee amendments, be further amended by motion of Senator Kelly: on page 7, in line 10, after "concerning" by inserting "the progress to reduce the incidence of antipsychotic drug use in elders with dementia, participation in the nursing facility quality and efficiency outcome incentive factor, participation in the culture change and person-centered care incentive program, annual resident satisfaction ratings for Kansas skilled nursing care facilities and";

And **SB 457** be passed as further amended.

A motion by Senator Faust-Goudeau to amend **SB 457** was withdrawn.

A motion by Senator Faust-Goudeau to amend **SB 457** failed.

**SB 474** be amended by the adoption of the committee amendments, be further amended by motion of Senator Lynn: on page 4, in line 8, by striking "and"; in line 9, after "(20)" by inserting "an economic impact, market and market impact study; and (21) ";

Also on page 4, also in line 9, by striking "subsections" and inserting "paragraphs"; also in line 9, by striking "(19)" and inserting "(20)"; in line 25, by striking "and"; in line 26, after "hospitality" by inserting "; and

(J) engineering, architectural, legal, consulting, accounting and other indirect costs that exceed 3% of the total STAR bond project costs";

On page 5, in line 7, by striking "or"; in line 9, after "thereto" by inserting "; or (5) for areas which are "blighted areas" as defined by K.S.A. 12-1770a, and amendments thereto, with at least a \$50,000,000 capital investment and \$35,000,000 in projected gross annual sales and which the secretary finds the project meets the requirements in subsection (w)(2)(A) and (B)";

On page 6, following line 21, by inserting:

"Sec. 2. K.S.A. 2015 Supp. 12-17,164 is hereby amended to read as follows: 12-17,164. (a) The governing body of a city may establish one or more STAR bond projects in any area within such city or wholly outside the boundaries of such city. A STAR bond project wholly outside the boundaries of such city must be approved by the board of county commissioners by the passage of a county resolution.

The governing body of a county may establish one or more STAR bond projects in any unincorporated area of the county.

The projects shall be eligible for financing by special obligation bonds payable from revenues described by ~~subsection (a)(1) of~~ K.S.A. 2015 Supp. 12-17,169(a)(1), and amendments thereto.

(b) Each STAR bond project shall first be approved by the secretary, if the secretary determines that the proposed project or complex sufficiently promotes, stimulates and develops the general and economic welfare of the state as described in K.S.A. 2015 Supp. 12-17,160, and amendments thereto. The secretary, upon approving the project, may approve such financing in an amount not to exceed 50% of the total costs including all project costs and any other costs related to the project. The proceeds of such STAR bond financing may only be used to pay for incurred project costs.

(c) For a city proposing to finance a major motorsports complex pursuant to ~~subsection (a)(1)(C) or (a)(1)(E) of~~ K.S.A. 2015 Supp. 12-17,169(a)(1)(C) or (a)(1)(E), and amendments thereto, the secretary, upon approving the project, may approve such financing in an amount not to exceed 50% of the STAR bond project costs.

(d) The secretary may approve a STAR bond project located in a STAR bond project district established by a city prior to May 1, 2003.

(e) A project shall not be granted to any business that proposes to relocate its business from another area of the state into such city or county, for the purpose of consideration for a STAR bond project provided by K.S.A. 2015 Supp. 12-17,160 et seq., and amendments thereto.

(f) A project shall not be approved by the secretary if the market study required by K.S.A. 2015 Supp. 12-17,166(hh), and amendments thereto, indicates a substantial negative impact upon businesses in the project or complex market area or the granting of such project or complex would cause a default in the payment of any outstanding special obligation bond payable from revenues authorized pursuant to ~~subsection (a)(1) of~~ K.S.A. 2015 Supp. 12-17,169(a)(1), and amendments thereto.

(g) The maximum maturity of special obligation bonds payable primarily from revenues described by ~~subsection (a)(1) of~~ K.S.A. 2015 Supp. 12-17,169(a)(1), and amendments thereto, to finance STAR bond projects pursuant to this section shall not exceed 20 years.

(h) The secretary shall not approve any application for STAR bond project financing which is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established. No later than July 1, 2017, the secretary shall adopt rules and regulations establishing

reasonable time frames for the initiation and completion of a STAR bond project and other time frames and milestones for developers in the secretary's discretion. The secretary may provide for reasonable financial penalties for the failure to meet such time frames and milestones. For all STAR bond project districts established after July 1, 2016, the failure of a project to be completed by the deadline established by the secretary shall result in automatic and immediate reversion to the state of Kansas of title to all real estate and any improvements thereon acquired or paid with STAR bond proceeds.

(i) Prior to approving a STAR bond project plan, the secretary shall complete an internal review of the overall viability of the project, and after consulting with the secretary of revenue, an assessment and certification of the impact of the project on sales tax revenues into the state general fund. Included in this review shall be an assessment of the private financing components of the STAR bond project.

(j) The secretary may condition approval of any application for STAR bond project financing on:

(1) The state retaining a reversionary interest in any real property acquired with STAR bond proceeds; and

(2) a requirement that up to 10% of any STAR bond proceeds be placed into escrow until any conditions imposed by the secretary have been met.

(k) Prior to approving a STAR bond project plan, the secretary shall require project developers to demonstrate private sector funding sufficient to fund 51% of the project costs. The secretary may require a reasonable portion of such funds to be placed into escrow as a condition of approving the project and that a percentage of such funds placed into escrow be forfeited to the state of Kansas as a penalty for failure to meet funding requirements set by the secretary. The secretary shall adopt rules and regulations to implement the provisions of this subsection no later than July 1, 2017.

As a condition of approving a project or the project financing, the secretary may require that the state retain a proportional carried equity interest in land and buildings to be financed by the proceeds of STAR bonds and receive a percentage of gross receipts received by the developer or developers until the STAR bonds have been repaid. The equity interest and percentage of gross receipts to be retained by the state of Kansas shall be based on the state sales and use tax portion of the funding for the project. Upon the state recovering the portion of the project financed with state sales taxes, the developer or developers shall have a right of first refusal to purchase the state's carried equity interest at a strike price or fair market value, whichever is greater. The secretary shall adopt rules and regulations to implement the provisions of this paragraph no later than July 1, 2017.

Sec. 3. K.S.A. 2015 Supp. 12-17,166 is hereby amended to read as follows: 12-17,166. (a) One or more projects may be undertaken by a city or county within an established STAR bond project district. Any city or county proposing to undertake a STAR bond project, shall prepare a STAR bond project plan in consultation with the planning commission of the city, and in consultation with the planning commission of the county, if any, if such project is located wholly outside the boundaries of the city. Any such project plan may be implemented in separate development stages.

(b) Any city or county proposing to undertake a STAR bond project within a STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, shall prepare a feasibility study. The feasibility study shall contain

the following:

(1) Whether a STAR bond project's revenue and tax increment revenue and other available revenues under K.S.A. 2015 Supp. 12-17,169, and amendments thereto, are expected to exceed or be sufficient to pay for the project costs;

(2) the effect, if any, a STAR bond project will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 2015 Supp. 12-17,169, and amendments thereto;

(3) a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the state and region;

(4) visitation expectations;

(5) the unique quality of the project;

(6) economic impact study pursuant to the following requirements:

(A) The economic impact, market and market impact studies required by K.S.A. 12-17,166(b)(6), (7) and (8), and amendments thereto, shall be commissioned and directed by the secretary and conducted by an independent economic consultant selected by the secretary. Prior to the secretary initiating the process of selecting and engaging an independent economic consultant for the economic impact, market and market impact studies, the secretary and the city or county proposing to undertake the STAR bond project shall consult for the limited purpose of determining an acceptable range of fees or costs for such studies; and

(B) the secretary shall solely procure, negotiate and execute an agreement with an independent economic consultant for the purpose of performing the economic impact, market and market impact studies and shall solely make payment for services rendered by the independent economic consultant in providing such studies in accordance with such agreement. The secretary shall advise the city or county proposing to undertake the STAR bond project of costs or fees and when such costs or fees are due under the secretary's agreement with the independent economic consultant. At the secretary's request, the city or county proposing to undertake the STAR bond project shall timely pay over to the secretary the amount of such costs or fees before such costs or fees are due. The secretary shall then make payment to the independent consultant in accordance with the secretary's agreement with the independent consultant. In the secretary's discretion, any costs or fees, including, but not limited to, costs that are not certain in time or amount, pursuant to the secretary's agreement with the independent consultant, may be paid to the independent economic consultant by the secretary and shall be reimbursed to the secretary by the city or county proposing to undertake the STAR bond project within 15 days of the secretary's payment thereof to the independent consultant. Upon approval of the STAR bond project plan, the city or county proposing to undertake the STAR bond project may recover the costs of the economic impact, market and market impact studies from the STAR bond proceeds;

(7) market study;

(8) market impact study;

(9) integration and collaboration with other resources or businesses;

(10) the quality of service and experience provided, as measured against national consumer standards for the specific target market;

(11) project accountability, measured according to best industry practices;

(12) the expected return on state and local investment that the project is anticipated to produce;

(13) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the STAR bond project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:

(A) The percentage of city and county sales and use taxes collected that are so committed; and

(B) the date or dates on which the city and county sales and use taxes pledged to other uses can be pledged for repayment of bonds; and

(14) an anticipated principal and interest payment schedule on the bond issue.

The failure to include all information enumerated in this subsection in the feasibility study for a STAR bond project shall not affect the validity of bonds issued pursuant to this act.

(c) If the city or county determines the project is feasible, the project plan shall include:

(1) A summary of the feasibility study done as defined in subsection (b) of this section, and amendments thereto;

(2) a reference to the district plan established under K.S.A. 2015 Supp. 12-17,165, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;

(3) a description and map of the project area to be redeveloped;

(4) the relocation assistance plan as described in K.S.A. 2015 Supp. 12-17,172, and amendments thereto;

(5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; ~~and~~

(6) a description of the proposed competitive bid process to be used for construction of the STAR bond project; and

(7) any other information the governing body of the city or county deems necessary to advise the public of the intent of the project plan.

(d) A copy of the STAR bond project plan prepared by a city shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the STAR bond project area. A copy of the STAR bond project plan prepared by a county shall be delivered to the board of education of any school district levying taxes on property within the STAR bond project area.

(e) Upon a finding by the planning commission that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the city, and a finding by the planning commission of the county, if any, with respect to a STAR bond project located wholly outside the boundaries of the city, that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the county, the governing body of the city or county shall adopt a resolution stating that the city or county is considering the adoption of the STAR bond project plan. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the adoption of the STAR bond project plan and fix the date, hour and place of such public hearing;

(2) describe the boundaries of the STAR bond project district within which the STAR bond project will be located and the date of establishment of such district;

(3) describe the boundaries of the area proposed to be included within the STAR

bond project area; and

(4) state that the STAR bond project plan, including a summary of the feasibility study, market study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk or county clerk, respectively.

(f) (1) The date fixed for the public hearing to consider the adoption of the STAR bond project plan shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the city or county resolution providing for the public hearing shall be by certified mail, return receipt requested, sent by the city to the board of county commissioners of the county and by the city or county to the board of education of any school district levying taxes on property within the proposed STAR bond project area. Copies also shall be sent by certified mail, return receipt requested to each owner and occupant of land within the proposed STAR bond project area not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in the official city or county newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area shall be published with the resolution.

(3) At the public hearing, a representative of the city or county shall present the city's or county's proposed STAR bond project plan. Following the presentation of the STAR bond project area, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(g) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(h) Upon conclusion of the public hearing, the governing body may adopt the STAR bond project plan by ordinance or resolution passed upon a two-thirds vote of the members.

(i) After the adoption by the city or county governing body of a STAR bond project plan, the clerk of the city or county shall transmit a copy of the description of the land within the STAR bond project district, a copy of the ordinance or resolution adopting the plan and a map or plat indicating the boundaries of the district to the clerk, appraiser and treasurer of the county in which the district is located and to the governing bodies of the county and school district which levy taxes upon any property in the district. Such documents shall be transmitted following the adoption or modification of the plan or a revision of the plan on or before January 1 of the year in which the increment is first allocated to the taxing subdivision.

(j) If the STAR bond project plan is approved, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meetings of any city or county whose bonding authority will be utilized in the STAR bond project, evidencing that a STAR bond project plan has been created, discussed and adopted by the city or county in a regularly scheduled open public meeting.

(k) Any substantial changes as defined in K.S.A. 2015 Supp. 12-17,162, and amendments thereto, to the STAR bond project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city

or county newspaper.

(l) Any STAR bond project shall be completed within 20 years from the date of the approval of the STAR bond project plan, unless an earlier completion deadline is set by the secretary pursuant to K.S.A. 2015 Supp. 12-17,164, and amendments thereto. The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed 20 years.

(m) Kansas resident employees shall be given priority consideration for employment in construction projects located in a STAR bond project area.

(n) Any developer of a STAR bond project shall commence work on the project within two years from the date of adoption of the STAR bond project plan, unless an earlier project initiative deadline is set by the secretary pursuant to K.S.A. 2015 Supp. 12-17,164, and amendments thereto. Should the developer fail to commence work on the STAR bond project within the ~~two-year~~ such period, funding for such project shall cease and the developer of such project or complex shall have one year to appeal to the secretary for reappraisal of such project and the funding for it. Should the project be reapproved, the ~~two-year~~ applicable period for commencement shall apply.

Sec. 4. K.S.A. 2015 Supp. 12-17,169 is hereby amended to read as follows: 12-17,169. (a) (1) Any city or county shall have the power to issue special obligation bonds in one or more series to finance the undertaking of any STAR bond project in accordance with the provisions of this act. Such special obligation bonds shall be made payable, both as to principal and interest:

(A) If approved by the secretary, from revenues of the city or county derived from or held in connection with the undertaking and carrying out of any STAR bond project or projects under this act including historic theater sales tax increments;

(B) from any private sources, contributions or other financial assistance from the state or federal government;

(C) from a pledge of 100% of the tax increment revenue received by the city from any local sales and use taxes, including the city's share of any county sales tax, which are collected from taxpayers doing business within that portion of the city's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, occupied by a STAR bond project, except for amounts committed to other uses by election of voters or pledged to bond repayment prior to the approval of the STAR bond project;

(D) at the option of the county in a city STAR bond project district, from a pledge of all of the tax increment revenues received by the county from any local sales and use taxes which are collected from taxpayers doing business within that portion of the city's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, except for amounts committed to other uses by election of voters or pledged to bond repayment prior to the approval of a STAR bond project;

(E) in a county STAR bond project district, from a pledge of 100% of the tax increment revenue received by the county from any county sales and use tax, but excluding any portions of such taxes that are allocated to the cities in such county pursuant to K.S.A. 12-192, and amendments thereto, which are collected from taxpayers doing business within that portion of the county's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, occupied by a STAR bond project;

(F) from a pledge of all of the tax increment revenue received from any state sales

taxes which are collected from taxpayers doing business within that portion of the city's or county's STAR bond project district occupied by a STAR bond project;

(G) at the option of the city or county and with approval of the secretary, from all or a portion of the transient guest tax of such city or county;

(H) at the option of the city or county and with approval of the secretary, (i) from a pledge of all or a portion of increased revenue received by the city or county from franchise fees collected from utilities and other businesses using public right-of-way within the STAR bond project district; or (ii) from a pledge of all or a portion of the revenue received by a city or county from local sales taxes or local transient guest and local use taxes; or

(I) by any combination of these methods.

The city or county may pledge such revenue to the repayment of such special obligation bonds prior to, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(2) Bonds issued under ~~paragraph (1) of this subsection (a)(1)~~ shall not be general obligations of the city or the county, nor in any event shall they give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in ~~paragraph (1) of this subsection (a)(1)~~ and such bonds shall so state on their face.

(3) Bonds issued under the provisions of ~~paragraph (1) of this subsection (a)(1)~~ shall be special obligations of the city or county and are declared to be negotiable instruments. Such bonds shall be executed by the mayor and clerk of the city or the chairperson of the board of county commissioners and the county clerk and sealed with the corporate seal of the city or county. All details pertaining to the issuance of such special obligation bonds and terms and conditions thereof shall be determined by ordinance of the city or by resolution of the county.

All special obligation bonds issued pursuant to this act and all income or interest therefrom shall be exempt from all state taxes. Such special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such special obligation bonds shall, however, contain the following recitals: (i) The authority under which such special obligation bonds are issued; (ii) such bonds are in conformity with the provisions, restrictions and limitations thereof; and (iii) that such special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in ~~paragraph (1) of this subsection (a)(1)~~.

(4) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) (1) Subject to the provisions of ~~paragraph (2) of this subsection (b)(2)~~, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking, establishment or redevelopment of any major motorsports complex, as defined in ~~subsection (k) of K.S.A. 2015 Supp. 12-17,162(m)~~, and amendments thereto. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in ~~paragraph (1) of subsection (a)(1)~~ or by any combination of these sources; and (B) subject to the provisions of ~~paragraph (2) of this subsection (b)(2)~~, from a pledge of the city's full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in ~~paragraph (3) of this subsection (b)(3)~~, before the governing body of any city proposes to issue full faith and credit tax increment bonds as authorized by this subsection, the feasibility study required by ~~subsection (b) of K.S.A. 2015 Supp. 12-17,166(b)~~, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by ~~subsection (e) of K.S.A. 2015 Supp. 12-17,166(e)~~, and amendments thereto, that it may issue such bonds to finance the proposed STAR bond project. The governing body may issue the bonds unless within 60 days following the conclusion of the public hearing on the proposed STAR bond project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section. No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in K.S.A. 2015 Supp. 12-17,165, and amendments thereto, that the proposed STAR bond project district will have an adverse effect on the county or school district.

(3) As an alternative to ~~paragraph (2) of this subsection (b)(2)~~, any city which adopts a STAR bond project plan for a major motorsports complex, but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by ~~subsection (e) of K.S.A. 2015 Supp. 12-17,166(e)~~, and amendments thereto, and has not acquired property in the STAR bond project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to ~~paragraph (1) of subsection (a)(1)~~. Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any major motorsports complex project in which the project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the project costs for the major motorsports complex project. Such temporary notes shall not be issued and the city shall not acquire property in the STAR bond project area until the requirements of ~~paragraph (2) or (3) of this subsection (b)(2) or (b)(3)~~, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. Such bonds shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes. The amount of the full

faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing full faith and credit tax increment bonds under the provisions of this subsection may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(c) For each project financed with special obligation bonds payable from the revenues described in subsection (a)(1), the city or county shall prepare and submit to the secretary by October 1 of each year, a report describing the status of any projects within such STAR bond project area, any expenditures of the proceeds of special obligation bonds that have occurred since the last annual report and any expenditures of the proceeds of such bonds expected to occur in the future, including the amount of sales tax revenue, how such revenue has been spent, the projected amount of such revenue and the anticipated use of such revenue. The department of commerce shall compile this information and submit a report annually to the governor and the legislature by February 1 of each year.

(d) A city or county may use the proceeds of special obligation bonds or any uncommitted funds derived from sources set forth in this section to pay the bond project costs as defined in K.S.A. 2015 Supp. 12-17,162, and amendments thereto, to implement the STAR bond project plan.

(e) With respect to a STAR bond project district established prior to January 1, 2003, for which, prior to January 1, 2003, the secretary made a finding as provided in subsection (a) ~~of this section~~ that a STAR bond project would create a major tourism area for the state, such special obligation bonds shall be payable both as to principal and interest, from a pledge of all of the revenue from any transient guest, state and local sales and use taxes collected from taxpayers as provided in subsection (a) ~~of this section~~ whether or not revenues from such taxes are received by the city.;

On page 8, in line 27, after "12-17,162," by inserting "12-17,164, 12-17,166, 12-17,169,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "relating to oversight of STAR bonds by the secretary of commerce;"; in line 5, after "12-17,162," by inserting "12-17,164, 12-17,166, 12-17,169,";

And **SB 474** be passed as further amended.

A motion by Senator Tyson to amend **SB 474** failed.

**HCR 5008** be adopted.

**SB 422, SB 445, SB 479; S Sub HB 2131** be passed over and retain a place on the calendar.

## CHANGE OF REFERENCE

The President withdrew **HB 2509** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Commerce**.

## REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2558** be amended on page 1, in line 6, before "Section" by inserting "New"; following line 8, by inserting:

"Sec. 2. K.S.A. 2015 Supp. 25-21a01 is hereby amended to read as follows: 25-

21a01. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of any municipality that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall take office.

(c) The governing body of the municipality shall establish by ordinance or resolution terms of office of elected officials to comply with this act.

(d) Primary elections for any municipality shall be conducted as provided in K.S.A. 25-202, and amendments thereto. A primary election shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and amendments thereto, or as otherwise required by law.

(e) The filing deadline for all candidates for any municipality, unless otherwise provided by law, shall be as provided in K.S.A. 25-205, and amendments thereto.

(f) Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(g) "Municipality" means: (1) Any city, consolidated city-county created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2015 Supp. 12-360 et seq., and amendments thereto, school district, any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of the governing body is conducted at a meeting of the special district.

(h) Cities and hospital districts may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

Sec. 3. K.S.A. 2015 Supp. 80-2508 is hereby amended to read as follows: 80-2508. (a) Subject to the limitations provided in this act, any of the four methods described in this section may be used in the selection of members of boards. The four methods are:

(1) Elections of board members shall be held at the annual meeting of the qualified electors of the hospital district for the positions on the board which are to expire in such year.

(2) Board members shall be appointed by the governing bodies of the political subdivisions joining in the operation and maintenance of the hospital.

(3) (A) Elections of board members for four-year terms shall be held on the Tuesday following the first Monday in November of odd-numbered years for the positions on the board which are to expire in such year. All positions shall be at-large. Each board member shall take office on the second Monday in January following the

date of election.

(B) Any person desiring to become a candidate for board member shall file with the county election officer of the county in which the political subdivisions joining in the operation and maintenance of the hospital, or the greater portion of the area thereof, are located, before the filing deadline specified in K.S.A. 25-2109, and amendments thereto, either a petition signed by not less than 50 electors eligible to vote for a candidate or a declaration of intent to become a candidate together with a filing fee in the amount of \$20.

(C) The county election officer of the county specified in paragraph (B) shall prepare the ballots for such election including ballots for that portion of the district located in any other county. The county election officers of each county shall conduct the election in their respective counties, and the board of county canvassers of each such county shall certify the results of the votes cast in its county to the board of county canvassers in the county in which the ballots for the election were prepared.

(D) Ballots shall be prepared in such manner that each voter is instructed to vote for the same number of candidates as the number of positions to be filled. Such instruction shall specify that the voter may vote for fewer than the total number of candidates for which the voter is qualified to vote.

(4) (A) Elections of board members for three-year or four-year terms shall be held on the Tuesday succeeding the first Monday in November of each ~~odd-numbered~~ year for the positions on the board which are to expire in such year. All positions shall be at-large. Each board member shall take office on the second Monday in January.

(B) Any person desiring to become a candidate for board member shall file with the county election officer of the county in which the political subdivisions joining in the operation and maintenance of the hospital, or the greater portion of the area thereof, are located, before the filing deadline specified in K.S.A. 25-2109, and amendments thereto, either a petition signed by not less than 50 electors eligible to vote for a candidate or a declaration of intent to become a candidate together with a filing fee in the amount of \$20.

(C) The county election officer of the county specified in paragraph (B) shall prepare the ballots for such election including ballots for that portion of the district located in any other county. The county election officers of each county shall conduct the election in their respective counties, and the board of county canvassers of each such county shall certify the results of the votes cast in its county to the board of county canvassers in the county in which the ballots for the election were prepared.

(D) Ballots shall be prepared in such manner that each voter is instructed to vote for the same number of candidates as the number of positions to be filled. Such instruction shall specify that the voter may vote for fewer than the total number of candidates for which the voter is qualified to vote.

(b) If the method of selection of members of the board of any hospital is the method provided for in subsection (a)(1) or (2), such method of selection may be changed to the method provided for in subsection (a)(3) or (4) by majority vote of the qualified electors voting at an annual meeting thereof. Whenever the method of selection of members of a board is changed to the method provided for in subsection (a) (3) or (4), the term of each member serving on the board at the time of the change of method of selection shall expire on May 1 of the year in which the term of such member is to expire, except that for the purpose of electing members to the board at a time to

coincide with elections for other purposes, the board may extend the term of any member for not to exceed one year from the date such member's term would otherwise expire and the board of Sublette hospital district may change prior to the election the length of term for one member to be elected at the 1997 election from four years to two years. If the members of the board are currently selected pursuant to subsection (a)(3), the method of selection may be changed to the method provided for in subsection (a)(4) by a majority vote of the board members.

Sec. 4. K.S.A. 2015 Supp. 25-21a01 and 80-2508 are hereby repealed.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "elections; amending K.S.A. 2015 Supp. 25-21a01 and 80-2508 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2059** be amended by adoption of the amendments recommended by the Senate Committee on Natural Resources as reported in the Journal of the Senate on February 8, 2016, and the bill, as printed as Senate Substitute for HB 2059, be further amended on page 1, by striking all in lines 7 through 35;

On page 3, in line 25, after "(g)" by inserting "(1)"; in line 33, after the period by inserting:

"(2) An applicant for a permit to appropriate under this subsection shall submit a work plan with such applicant's application. The work plan shall include milestones for implementing the water transfer project. The chief engineer may conditionally approve such application and work plan and assess progress of the implementation of such work plan.

(3) No application for a permit to appropriate under this subsection shall be submitted prior to December 1, 2016.

(4) ";

Also on page 3, in line 35, after "engineer" by inserting ":

(A) ";

Also on page 3, in line 37, after "time" by inserting ";

(B) determines that such applicant cannot successfully meet the milestones contained in the work plan";

Also on page 3, in line 41, by striking "2-3304 and"; also in line 41, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before "water"; in line 3, by striking "2-3304 and"; in line 4, by striking "sections" and inserting "section";

And the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 17, 2016.

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 17, 2016, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Melcher was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You said through the Apostle James, 1:22-25, that we should act on what we hear coming out of Your Word...that anyone who looks into Your perfect Law of liberty and perseveres in doing what You say, will be blessed and prosper in what they do. Through the Psalmist, the question was asked in Psalm 119:9-13, how we get our lives cleaned up? The answer You gave was by holding on to Your Word. So, Lord, help us as a people to not deceive ourselves into just being hearers of Your Words and miss out on the benefits and joy of being doers. Help us to not only hold on to Your Words for ourselves, individually, but to do as the Psalmist said in verse 13, and use our lips to repeat to others, the invaluable regulations that come from Your lips. I come to You in the name of Jesus...in the name of Your Word made flesh. Amen

The Pledge of Allegiance was led by Vice President King.

## SPECIAL PRESENTATION

To commemorate St. Patrick's Day, Vice President King introduced former Senator Richard Gannon who played traditional Celtic music on the bagpipes. Senator Gannon served in the Senate from 1977 to 1988.

Senators honored Senator Gannon with a standing ovation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Education: **SB 513**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2468**, **HB 2534**.

Announcing passage of **SB 318**, as amended.

The House accedes to the request of the Senate for a conference on **H Sub SB 55** and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 193** and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 325** and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 337** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 390** and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House announced the appointment of Rep. Pauls as a conferee to replace Rep. Rubin on **S Sub HB 2049**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2468, HB 2534** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Holland, Haley and Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1781—

A RESOLUTION urging the Kansas congressional delegation to work with operators of Kansas wineries and the Alcohol and Tobacco Tax and Trade Bureau to apply for and achieve American Viticultural Area status for one or more regions within the state.

WHEREAS, The grape-growing and wine-producing potential of Kansas was first noted by early explorers, including Meriwether Lewis and William Clark, who described "great quantities of summer and fall grapes" along the shore of the Missouri River in the northeast corner of the state; and

WHEREAS, A grape-growing and wine-producing industry was established by some of Kansas' earliest settlers, including A.M. Burns of Riley County who, in 1857, predicted "a glorious future for the grape in Kansas," and whose prediction began to ring true after the end of the Civil War when the planting of grape vines peaked at 7,000 acres, grown across the state from the western plains to the eastern hills; and

WHEREAS, The thriving industry was pushed underground and nearly eradicated by the strong forces of prohibition, which swept across the state in the 1890s and continued into the mid-20th century; and

WHEREAS, The industry in Kansas has witnessed a resurgence since the loosening of alcohol regulation in the 1980s; and

WHEREAS, The most recent available state Department of Agriculture data from 2010 reports that nearly 355 tons of grapes were grown and more than 100,000 gallons of wine were produced in the state of Kansas; and

WHEREAS, In the same year, Kansas wineries reported more than a quarter-million visitors, more than half of whom were visiting from other states; and

WHEREAS, In the same year Kansas wineries reported nearly \$3.5 million in sales, which contributed to the state economy; and

WHEREAS, American Viticultural Areas (AVAs) are delineated grape-growing regions within the United States, which possess distinguishing geological and geographic characteristics; and

WHEREAS, Consumers throughout the country and around the world utilize AVA labels to identify the quality and reputation of wines produced with grapes grown in these regions; and

WHEREAS, Kansas is one of 25 states without an established AVA; and

WHEREAS, The establishment of one or several AVAs within the state of Kansas would aid and promote further development of the historic and burgeoning wine-producing industry in our state: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we urge the Kansas congressional delegation to work with operators of Kansas wineries and the Alcohol and Tobacco Tax and Trade Bureau to apply for and achieve AVA status for one or more regions within the state; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Holland and an enrolled copy to each member of the Kansas congressional delegation.

On emergency motion of Senator Holland **SR 1781** was adopted by voice vote.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 404; HB 2442, HB 2485, HB 2516, HB 2536** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 404**, AN ACT concerning the disposition of state real property; authorizing the state board of regents to sell certain real property on behalf of Kansas state university located in Riley county, Kansas.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**HB 2442**, AN ACT concerning the legislative division of post audit; relating to information technology audits; amending K.S.A. 2015 Supp. 46-1135 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**HB 2485**, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2015 Supp. 40-2c01 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**HB 2516**, AN ACT concerning the department of health and environment; relating to the asbestos control act, licensing requirements; air fee fund, transfers; amending K.S.A. 65-5301, 65-5303, 65-5304, 65-5307, 65-5309 and 65-5311 and K.S.A. 2015 Supp. 65-5310 and 65-5314 and repealing the existing sections; also repealing K.S.A. 65-5308.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**HB 2536**, AN ACT concerning accountants; relating to licensure; amending K.S.A. 2015 Supp. 1-307, 1-308, 1-311, 1-312, 1-321 and 1-322 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

## **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 421**, AN ACT concerning firearms; relating to the personal and family protection act; relating to carrying a concealed handgun in a public building; amending K.S.A. 2015 Supp. 75-7c20 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**SB 454**, AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp. 8-2107, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-170a, 28-172a, 28-177, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2008, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; reviving and amending K.S.A. 5-517 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b, 74-7325, 74-7334 and 75-7021 and repealing the revived sections; also repealing K.S.A. 5-517, as amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas, and 20-166, as amended by section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b, 74-7325, as amended by section 38 of chapter 82 of the 2014 Session Laws of Kansas, 74-7334, as amended by section 39 of chapter 82 of the 2014 Session Laws of Kansas, and 75-7021, as amended by section 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a16, 20-1a17, 21-6614f, 28-178 and 28-179, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 2; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Bruce, Holmes, Knox, Olson, Pyle, Tyson.

Present and Passing: Francisco, McGinn.

Absent or Not Voting: Melcher.

The bill passed.

**SB 457**, AN ACT concerning skilled nursing care facilities; relating to the quality care assessment; rate and sunset thereof; quality care improvement panel membership; reporting requirements; amending K.S.A. 2015 Supp. 75-7435 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**SB 474**, AN ACT concerning economic development; relating to the STAR bond financing act; relating to oversight of STAR bonds by the secretary of commerce;

concerning the Kansas bioscience authority; delegating authority to the state finance council to oversee any sale of the Kansas bioscience authority or substantially all of the authority's assets; amending K.S.A. 2015 Supp. 12-17,162, 12-17,164, 12-17,166, 12-17,169, 12-17,171, 12-17,176 and 74-99b15 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Kelly, McGinn, Pettey, V. Schmidt.

Present and Passing: Francisco.

Absent or Not Voting: Melcher.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 474**. I am disappointed that the established model for enhancing industries in Kansas will no longer exist. The Kansas Bioscience Authority focused on industry sectors where Kansas has conspicuous advantages – agribusiness, animal health, human health and life sciences technology. The KBA was instrumental in assisting with the site selection process that selected Manhattan, Kansas as the location for the National Bio and Agro-defense (NBAF) facility. KBA also played an integral part in the designation of the University of Kansas Cancer Center achieving the National Cancer Institute (NCI) designation in June 2012. Some disappointing things happened at KBA and it has not reached its full potential, but never the less it has been responsible for some amazing things in Kansas that would not have happened otherwise. Instead of finding a way for this asset to thrive for the benefit of all Kansans, we are now selling off its assets to pay our bills. In the end, we are destroying a tremendous economic tool that has helped bring jobs and industry to Kansas.—VICKI SCHMIDT

Senators Kelly and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **SB 474**.

**S Sub HB 2112**, AN ACT concerning children and families; enacting the host families act; relating to temporary care for children, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The substitute bill passed.

**Sub HB 2151**, AN ACT concerning grand juries; summoning; jury instructions; witnesses; amending K.S.A. 2015 Supp. 22-3001 and repealing the existing section,

was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2446**, AN ACT concerning insurance; relating to motor vehicle liability insurance; increasing minimum policy limit for property damage; amending K.S.A. 40-3107 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Haley, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Melcher.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "Yes" on **HB 2446**, however it is with some disappointment. **HB 2446** is a partial, short-term fix. While **HB 2446** makes needed changes to the mandatory coverage requirements for property insurance, the bill ignores the minimum coverage requirements for bodily injury, which the Legislature last amended in 1981. Times have changed. More Kansans buy insurance on-line. Minimum limits no longer accurately reflect medical costs or lost wages. Minimum limits are no longer reasonably adequate. In 2017, we must finish what was started in **HB 2446** and address both bodily injury minimums and uninsured motorist coverage. It is my sincere hope the Legislature will work to give just as much deference to a shattered leg or a shattered life as **HB 2446** does to a shattered bumper.—TOM HAWK

Senators Francisco, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **HB 2446**.

**HB 2447**, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; program credits; delinquent time lost on parole; amending K.S.A. 2015 Supp. 21-6821 and 75-5217 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2454**, AN ACT concerning insurance; relating to accident and sickness insurance; policy provisions; requiring health services to be rendered by participating providers, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**HB 2462**, AN ACT concerning crimes, punishment and criminal procedure; relating to theft; amending K.S.A. 2015 Supp. 21-5801 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Bruce, LaTurner, Petersen, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2501**, AN ACT concerning crimes, punishment and criminal procedure; relating to blackmail; breach of privacy; jurisdiction and venue; crime committed with an electronic device; amending K.S.A. 2015 Supp. 21-5428, 21-6101 and 22-2619 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2545**, AN ACT concerning criminal procedure; relating to arrest warrants; search warrants; amending K.S.A. 2015 Supp. 22-2302 and 22-2502 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HCR 5008**, A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto, relating to the public right to hunt, fish and trap wildlife, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Haley.

Absent or Not Voting: Melcher.

The resolution was adopted.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Smith the following report was adopted:

**HB 2567** be passed.

A motion to reconsider previous action on **HB 2567** failed.

**SB 445; HB 2563** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2131** recommending **S Sub HB 2131** be adopted, be amended by motion of Senator Petersen: on page 3, following line 12, by inserting:

"(13) "Search ring" means a shape drawn on a map to indicate the general area within which a wireless services provider or wireless infrastructure provider should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.";

On page 6, in line 30, by striking all after the first "to"; in line 31, by striking all before the period and inserting "the condition in which it existed prior to the damage"; in line 34, after the period by inserting "If an authority incurs damages as a result of a violation of this paragraph, then the authority shall have a cause of action against a wireless services provider or wireless infrastructure provider for violation of this paragraph, and may recover its damages, including reasonable attorney fees, if such provider is found liable by a court of competent jurisdiction.";

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

**S Sub HB 2131** be further amended by motion of Senator Longbine: on page 9, in line 35, after "near" by inserting "civilian"; also in line 35, by striking all after "airports"; in line 37, after "to" by inserting "civilian"; in line 42, by striking all after "near"; in line 43, by striking "installations" and inserting "civilian airports";

On page 12, following line 42, by inserting:

"(k) Nothing in this section shall be construed to apply to military installations.";

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

**S Sub HB 2131** be further amended by motion of Senator Petersen: on page 10, in line 28, before the semicolon by inserting ". In developing such a requirement or obligation for wireless facilities located on a public right-of-way, the authority shall consider input from property owners adjoining the affected public right-of-way";

And **S Sub HB 2131** be passed as amended.

**Sub HB 2473** be amended by the adoption of the committee amendments and be further amended by motion of Senator Fitzgerald: on page 3, in line 13, by striking "army"; in line 14, after the first comma by inserting "combat action badge,"; in line 18, by striking "army"; also in line 18, after the second comma by inserting "combat action badge,";

And **Sub HB 2473** be passed as further amended.

**HB 2522** amended by the adoption of the committee amendments and be further amended by motion of Senator Schmidt: on page 4, following line 38, by inserting:

"(j) For purposes of this subsection, the division may rely on the division's most recent, existing color digital image and signature image of the applicant for the class C or M driver's license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver's license is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a driver's license through an electronic online or equivalent process if the license has been previously renewed through an electronic online application in the immediately preceding driver's license period. No renewal under this subsection shall be granted to any person who is: (1) Younger than 30 days from turning 21 years of age; (2) 65 years of age or older; (3) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto; or (4) has a temporary driver's license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn. The secretary of revenue may adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver's license.";

On page 1, in the title, in line 2, after the first semicolon by inserting "renewal,";

And **HB 2522** be passed as further amended.

**SB 422** be amended by the adoption of the committee amendments, and be further amended by motion of Senator Tyson: on page 13, following line 35, by inserting:

"Sec. 18. (a) Notwithstanding any other provision of law, no state agency shall enter into any agreement or take any action to outsource or privatize any operations or facilities of the Larned state hospital or Osawatamie state hospital without prior specific authorization by an act of the legislature or an appropriation act of the legislature.

(b) Nothing in this section shall prevent any state agency from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatamie state hospital.

(c) Nothing in this section shall prevent any state agency from entering into an agreement for services at the Larned state hospital or the Osawatamie state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the department for aging and disability services" and inserting "health and healthcare"; in line 3, after the semicolon by inserting "prohibiting the privatization of state psychiatric hospitals;";

And **SB 422** be passed as further amended.

A motion by Senator Schmidt to re-refer **SB 422** back to the Committee on **Public Health and Welfare** failed.

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

On roll call, the vote was: Yeas 15; Nays 20; Present and Passing 4; Absent or Not Voting 1.

Yeas: Baumgardner, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Longbine, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

Nays: Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, King, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Present and Passing: Abrams, Haley, Olson, Pyle.

Absent or Not Voting: Melcher.

**SB 436, SB 437** be passed over and retain a place on the calendar.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 422, SB 455; S Sub HB 2131; Sub HB 2473; HB 2522, HB 2563, HB 2567** were advanced to Final Action and roll call.

**SB 422**, AN ACT concerning the department for aging and disability services; providing for the licensure of certain facilities and standards for treatment of certain individuals; repealing K.S.A. 39-1807 and 75-3307c and K.S.A. 2015 Supp. 75-3307b.

On roll call, the vote was: Yeas 31; Nays 5; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Hensley, Holland, Kelly, Tyson.

Present and Passing: Francisco, Hawk, Pettey.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**SB 445**, AN ACT concerning the client assessment, referral and evaluation program; amending K.S.A. 2015 Supp. 39-968 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**S Sub HB 2131**, AN ACT concerning telecommunications; relating to local exchange carriers; concerning the Kansas universal service fund; concerning wireless communications, siting of equipment; relating to municipalities and state entities, public lands and public right-of-way; amending K.S.A. 17-1902 and 66-2004 and K.S.A. 2015 Supp. 66-2005, 66-2007, 66-2008 and 66-2017 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, McGinn, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wilborn, Wolf.

Nays: Baumgardner, Masterson, O'Donnell, Wagle.

Absent or Not Voting: Melcher.

The substitute bill passed, as amended.

**Sub HB 2473**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Alzheimer's disease awareness license plate; decals for certain military medals or badges; amending K.S.A. 2015 Supp. 8-1,156 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2522**, AN ACT concerning the division of vehicles; relating to drivers' licenses and identification cards; renewal; facial imaging; amending K.S.A. 2015 Supp. 8-240, 8-243 and 8-1324 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2563**, AN ACT concerning motor vehicles; relating to the application fee for a restricted motorized bicycle driver's license; amending K.S.A. 2015 Supp. 8-235 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wilborn, Wolf.

Nays: LaTurner, Tyson, Wagle.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HB 2567**, AN ACT concerning military members and veterans; relating to postsecondary educational institutions; tuition and fees; amending K.S.A. 2015 Supp. 48-3601 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 502** be passed.

Also, **SB 501** be amended on page 1, in line 23, after "(c)" by inserting "Any state agency or entity implementing a non-discretionary performance-based bonus program must additionally establish a system to provide for regular and objective employee performance evaluations for all bonus-eligible employees, regardless of classified status. Such employee performance evaluation system must include, but is not limited to, the following elements:

- (1) Defined, objective measures for reviewing each employee's performance;
- (2) defined, regular time intervals over which performance will be measured, with no interval shorter than three months nor longer than 12 months; and
- (3) requirements for supervisory personnel to provide regular performance-based feedback throughout the evaluation period.
- (d) ";

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

The Committee on **Education** recommends **HB 2441** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2441," as follows:

"Senate Substitute for HOUSE BILL No. 2441

By Committee on Education

"AN ACT concerning education; creating a language assessment program for children who are deaf or hard of hearing.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2549**, **HB 2573** as amended by House Committee, be passed.

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Harold Schorn, Jr., term expires January 15, 2018

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

Melvin Neufeld, term expires January 15, 2020

Member, Kansas Lottery Commission: K.S.A. 74-8709

James Washington, term expires March 15, 2020

Committee on **Financial Institutions and Insurance** recommends **HB 2134, HB 2632** be passed.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

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

By the Governor:

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

Brian Weisel, term expires March 15, 2018

Committee on **Judiciary** recommends **SB 424** be amended on page 1, in line 19, by striking "identifying"; also in line 19, before "means" by inserting "or "holder""; in line 21, by striking "identifying"; in line 22, after "any" by inserting "other"; in line 26, by striking "identifying"; also in line 26, by striking all after "information"; in line 27, by striking all before the period and inserting "means personal information as defined by K.S.A. 50-7a01(g), and amendments thereto, and any other information which identifies an individual for which an information security obligation is imposed by federal or state statute or regulation"; in line 30, by striking "identifying"; in line 33, by striking "identifying"; in line 34, by striking "destruction,,"; also in line 34, after "disclosure" by inserting ". If federal or state law or regulation governs the procedures and practices of the holder of personal information for such protection of personal information, then compliance with such federal or state law or regulation shall be deemed compliance with this paragraph and failure to comply with such federal or state law or regulation shall be prima facie evidence of a violation of this paragraph";

On page 2, in line 2, by striking "identifying"; also in line 2, by striking "records are no longer to be retained" and inserting "holder no longer intends to maintain or possess such records"; in line 6, after "(c)" by inserting "A holder of personal information shall have an affirmative defense to a violation of subsection (b)(2) if such holder proves by clear and convincing evidence that:

(1) The violation resulted from a failure of the method of destruction of records to make personal information contained in such records unreadable or undecipherable through any means, and such failure could not reasonably have been foreseen despite the holder's exercise of reasonable care in selecting and employing a method of destruction; or

(2) the holder of personal information had in effect at the time of the violation a bona fide written or electronic records management policy, including practices and procedures reasonably designed, maintained, and expected to prevent a violation of subsection (b)(2), and that the records involved in the violation of subsection (b)(2) were destroyed or disposed of in violation of such policy. No affirmative defense under

this paragraph shall be available unless such holder proves:

(A) The employees or other persons involved in the violation received training in the holder's written or electronic records management policy;

(B) the violation resulted from a good faith error; and

(C) no reasonable likelihood exists that the violation may cause, enable or contribute to identity theft or identity fraud as defined by K.S.A. 2015 Supp. 21-6107, and amendments thereto, or to a violation of an information security obligation imposed by federal or state statute or regulation.

(d) ";

Also on page 2, also in line 6, by striking "A" and inserting "Each"; in line 8, by striking all after "is"; in line 9, by striking all before "shall" and inserting "not destroyed in compliance with subsection (b)(2)"; in line 14, after the period by inserting "Nothing in this section shall be construed to create or permit a private cause of action for any violation of this section.

(f) Nothing in this section relieves a holder of personal information from any duty to comply with other requirements of state and federal law regarding the protection of such information.";

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

Also on page 2, by striking all in lines 35 through 38;

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

Committee on **Judiciary** begs leave to submit the following report:

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

By the Governor:

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

Paul Beck, term expires January 15, 2019

Committee on **Natural Resources** recommends **HB 2547** be amended on page 1, in line 5, before "Section" by inserting "New"; following line 6, by inserting:

"Sec. 2. K.S.A. 32-960a is hereby amended to read as follows: 32-960a. (a) On or before January 1, 1998, the secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations establishing procedures for developing and implementing recovery plans for all species listed as in need of conservation, threatened or endangered. The secretary shall give priority to development of recovery plans for particular species based on a cumulative assessment of the scientific evidence available. Based on the priority ranking, the secretary shall develop and begin implementation of recovery plans for at least two listed species on or before January 1, 1999.

(b) Whenever a species is added to the list of threatened or endangered species, the secretary shall establish a volunteer local advisory committee composed of members broadly representative of the area affected by the addition of the species to the list. Members shall include representatives of specialists from academic institutions, agribusiness and other trade organizations, state environmental and conservation organizations and other interested organizations and individuals. In addition, the membership shall include, if appropriate, landowners and public officials representing state, local and tribal governments. To the maximum extent possible, committee

membership shall evenly balance the interests of all potentially affected groups and institutions.

(c) The advisory committee shall: (1) Work with the secretary to adapt the listing of the species and the recovery plan for the species to the social and economic conditions of the affected area; and (2) disseminate information to the public about the scientific basis of the decision to list the species, the regulatory process and incentives available to landowners pursuant to this act.

(d) If a species in need of conservation receives a priority ranking to develop and begin implementation of a recovery plan, the secretary shall establish a volunteer local advisory committee in the same manner as provided by subsection (b) to work with the secretary to adapt the recovery plan and disseminate information to the public.

(e) In implementing a recovery plan for a species, the secretary shall consider any data, recommendations and information provided by the advisory committee.

(f) The secretary shall cause each developed and implemented recovery plan to be published and maintained on the official website of the department of wildlife, parks and tourism.

Sec. 3. K.S.A. 32-961 is hereby amended to read as follows: 32-961. (a) Whenever any species is listed as a threatened species pursuant to K.S.A. 32-960, and amendments thereto, the secretary shall adopt such rules and regulations pursuant to K.S.A. 32-963, and amendments thereto, as the secretary deems necessary and advisable to provide for the conservation of such species. By rules and regulations adopted pursuant to K.S.A. 32-963, and amendments thereto, the secretary may prohibit with respect to any threatened species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto, ~~except as provided in subsection (c), any act which is prohibited under subsection (b) with respect to any endangered species included in a list adopted pursuant to K.S.A. 32-960.~~

(b) Except as otherwise specifically provided by this section or rules and regulations adopted pursuant to this section, a special permit is required for any person subject to the jurisdiction of this state to:

(1) Export from this state any endangered species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto;

(2) possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such endangered species; or

(3) act in a manner contrary to any rule and regulation adopted by the secretary pursuant to authority provided by K.S.A. 32-957 through 32-963 and 32-1009 through 32-1012, and amendments thereto, which pertains to such endangered species or to any threatened species of wildlife included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto.

(c) The provisions of subsection (b)(3) shall not apply to:

(1) Normal farming and ranching practices, including government cost-shared agriculture land treatment measures, unless a permit is required by another state or federal agency or such practices involve an intentional taking of a threatened species under K.S.A. 32-1010, and amendments thereto, or involve an intentional taking of an endangered species under K.S.A. 32-1011, and amendments thereto;

(2) development of residential and commercial property on privately owned property financed with private, nonpublic funds unless a permit is required by another state or federal agency or the development involves an intentional taking of a threatened

species under K.S.A. 32-1010, and amendments thereto, or involves an intentional taking of an endangered species under K.S.A. 32-1011, and amendments thereto; or

(3) activities for which a person has obtained a scientific, educational or exhibition permit, as provided by K.S.A. 32-952, and amendments thereto.

(d) For the purposes of this section, a permit required by another state or federal agency shall not include a certification or registration.

(e) Subsection (b) does shall not apply to any endangered species listed pursuant to K.S.A. 32-960, and amendments thereto, and any species of wildlife determined to be an endangered species pursuant to Pub. L. 93-205 (December 28, 1973), the endangered species act of 1973, and amendments thereto, entering the state from another state or from a point outside the territorial limits of the United States and being transported to a point within or beyond the state in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) The secretary may issue special permits to authorize, under such terms and conditions as the secretary prescribes, any act described in subsection (b) or any act which is otherwise prohibited by rules and regulations adopted pursuant to subsection (a), for scientific purposes or to enhance the propagation or survival of the affected species. Application for such permit shall be made to the secretary or the secretary's designee and shall be accompanied by the fee prescribed pursuant to K.S.A. 32-988, and amendments thereto. The secretary shall maintain a list of permit applications under this subsection. Where such applications have been approved and special permits have been issued, the secretary shall maintain a list of such permits, including therein the name and address of the permittee and the terms and conditions prescribed for each such permit. The secretary shall keep such lists current and shall file copies thereof, along with any additions or amendments, with the secretary of the interior of the federal government.

(g) Threatened or endangered species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto, may be captured or destroyed without a permit by any person in an emergency situation involving an immediate and demonstrable threat to human life.

(h) (1) For all new species listed as endangered or threatened by the secretary pursuant to this act on and after July 1, 2016, recovery plans for such species shall be completed within four years after the species is listed. If such recovery plan is not completed within four years, no permit shall be required by the secretary for any activity that would otherwise require a permit pursuant to this act until the recovery plan is complete. The provisions of this paragraph shall not apply to any species listed as endangered or threatened under the endangered species act of 1973 (Pub. L. No. 93-205).

(2) The secretary shall annually submit a report on all species listed as endangered or threatened as of June 30, 2016, to the senate committee on natural resources and the house committee on agriculture and natural resources. Such report shall include:

(A) The status of species with a completed recovery plan;

(B) the status of species with a recovery plan currently in process, but not yet complete; and

(C) future goals for completing recovery plans for any listed species that does not yet have a recovery plan.

Sec. 4. K.S.A. 32-960a and 32-961 are hereby repealed.;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking the second comma and inserting a semicolon; also in line 1, after "to" by inserting "wildlife;"; in line 2, after "area" by inserting "; nongame and endangered species act; amending K.S.A. 32-960a and 32-961 and repealing the existing sections";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2518** be passed.

Also, **SB 363**, as amended by Senate Committee of the Whole, be amended on page 17, in line 8, after "chiropractor" by inserting ", a licensed physical therapist";

On page 29, following line 31, by inserting:

"New Sec. 26. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist.

(b) This section shall be part of and supplemental to the physical therapy practice act.

Sec. 27. K.S.A. 2015 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 amendments thereto~~ the physical therapy practice act:

(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; dry needling; 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 who is licensed pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 appropriate,

as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(c) "Physical therapist assistant" means a person who is certified pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the physical therapy practice 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, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

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

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

(f) "Dry needling" means a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.

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

~~(g)~~ (h) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

Sec. 28. K.S.A. 2015 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the physical therapy practice act~~ as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-

2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) ~~of this section~~:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under ~~subsection (g) of K.S.A. 65-2872(g),~~ and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under ~~subsection (m) of K.S.A. 65-1124(m),~~ and amendments thereto;
- (8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;
- (9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

- (10) self-care by a patient or gratuitous care by a friend or family member;
- (11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;
- (14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;
- (15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;
- (16) persons practicing corrective therapy in accordance with their training in corrective therapy;
- (17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;
- (18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;
- (19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;~~and~~
- (22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act;~~and~~
- (23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.
- (d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.
- (e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice act.;

Also on page 29, in line 32, by striking "is" and inserting ", 65-2901 and 65-2913 are";

And by renumbering sections accordingly;

duties and functions;"; in line 2, after the semicolon by inserting "regulation of physical therapists; physical therapy scope of practice;"; also in line 2, after "65-2872" by inserting ", 65-2901 and 65-2913"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as further amended.

**SB 490** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist.

(b) This section shall be part of and supplemental to the physical therapy practice act.";

On page 2, in line 37, after "(f)" by inserting ""Dry needling" means a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.

(g) ";

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

On page 3, following line 1, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~article 29 of chapter 65 of the Kansas Statutes Annotated~~, and amendments thereto, the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated~~, and amendments thereto, the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any

educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;~~ the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) ~~of this section~~:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under ~~subsection (g) of K.S.A. 65-2872(g)~~, and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under ~~subsection (m) of K.S.A. 65-1124(m)~~, and amendments thereto;
- (8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;
- (9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;
- (10) self-care by a patient or gratuitous care by a friend or family member;
- (11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;
- (14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;
- (15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;
- (16) persons practicing corrective therapy in accordance with their training in corrective therapy;
- (17) athletic trainers practicing their profession when licensed and practicing in

accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;~~and~~

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; and

(23) (A) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(B) The provisions of subsection (c)(23)(A) shall take effect and be in force on and after July 1, 2016, and the enactment of 2016 Senate Bill No. 363 into law.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice act.;

Also on page 3, in line 2, by striking "is" and inserting "and 65-2913 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "exemptions from licensure requirements; rules and regulations;"; also in line 2, after "65-2901" by inserting "and 65-2913"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2610**, as amended by House Committee of the Whole, be amended on page 1, following line 33, by inserting:

"Sec. 4. The portion of K-148 from the intersection with 23<sup>rd</sup> road in Washington county, then north to the Nebraska state line is hereby designated as the SGT Lavern W Tegtmeier memorial highway. Upon compliance with K.S.A. 2015 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the SGT Lavern W Tegtmeier memorial highway.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "interchange" by inserting "; a portion of K-148 as the SGT Lavern W Tegtmeier memorial highway"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 512** be amended on page 1, in line 16, by striking "\$464,092,249" and inserting "\$465,003,991"; in line 22, by striking

"\$517,594,858" and inserting "\$515,784,787";

On page 6, in line 29, by striking "1.55%" and inserting "1.45%"; and the bill be passed as amended.

**REPORT ON ENROLLED BILLS**

**SR 1777, SR 1778, SR 1779, SR 1780** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 17, 2016.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Friday, March 18, 2016.

# Journal of the Senate

FORTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 18, 2016, 9:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 38 senators present.  
Senators King and Melcher were excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, thanks for helping us complete another week and thanks for the opportunity to serve. As we move into the weekend, we pray for Your grace as we travel and we pray that the concerns of home will also reflect the touch of Your grace. Help us to find things in order as we look in on loved ones, friends and family. And remind us afresh, that it has been the umbrella of Your sovereign grace that has protected us. As You said in Psalm 127:1, unless You watch over things, all that we do is in vain. I thank You again for hearing our prayer. In the name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2534**.

Federal and State Affairs: **HB 2468**.

## ORIGINAL MOTIONS

Citing Rule 11(b), Senator Holland moved **SCR 1612** be removed from the Committee on **Assessment and Taxation** and referred to the calendar under the heading of **General Orders**.

Citing Rule 11(b), Senator Holland moved **SB 414** be removed from the Committee on **Ethics and Elections** and referred to the calendar under the heading of **General Orders**.

## CHANGE OF REFERENCE

The President withdrew **SCR 1612** from the Committee on **Assessment and Taxation**, and referred to the calendar under the heading of **General Orders**.

The President withdrew **SB 414** from the Committee on **Ethics and Elections**, and referred to the calendar under the heading of **General Orders**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator LaTurner the following report was adopted:

**HB 2512** be passed.

**HB 2163, HB 2164, HB 2480, HB 2490, HB 2615, HB 2622** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2008** recommending **S Sub HB 2008** be adopted, and the substitute bill be passed.

**S Sub HB 2059** be passed over and retain a place on the calendar.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2008; HB 2163, HB 2164, HB 2480, HB 2490, HB 2615, HB 2622**, was advanced to Final Action and roll call.

**S Sub HB 2008**, AN ACT concerning schools; creating the student online personal protection act.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Melcher.

The substitute bill passed.

**HB 2163**, AN ACT concerning municipalities; amending K.S.A. 12-2908 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

**HB 2164**, AN ACT concerning sewer districts; amending K.S.A. 19-27a19 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith,

Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

**HB 2480**, AN ACT concerning livestock; relating to marks and brands; amending K.S.A. 47-418, 47-421, 47-423 and 47-426 and K.S.A. 2015 Supp. 47-414, 47-414a, 47-416, 47-417, 47-417a, 47-420, 47-422, 47-428, 47-446 and 47-1011a and repealing the existing sections; also repealing K.S.A. 47-436, 47-438, 47-439, 47-440, 47-445 and 47-447 and K.S.A. 2015 Supp. 47-418a, 47-432, 47-433, 47-434, 47-435, 47-437, 47-441 and 47-442.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

**HB 2490**, AN ACT concerning the plant pest and agriculture commodity certification act; relating to certain definitions; relating to plant pest containment; amending K.S.A. 2015 Supp. 2-2113, 2-2114, 2-2116 and 2-2117 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

**HB 2512**, AN ACT relating to accountants; concerning professional licensure requirements; early access to the certified public accountant examination; amending K.S.A. 2015 Supp. 1-302a and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Melcher.

The bill passed.

**HB 2615**, AN ACT concerning charitable healthcare providers; relating to continuing education credits for gratuitous care; application of the Kansas tort claims act; amending K.S.A. 75-6120 and K.S.A. 2015 Supp. 65-1431, 65-2809 and 75-6102 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

**HB 2622**, AN ACT concerning the state board of regents; relating to general educational development credential fees; relating to tuition and fees of private and out-of-state postsecondary institutions; concerning the Kansas private and out-of-state postsecondary educational institution act; amending K.S.A. 2015 Supp. 72-4530, 74-32,163, 74-32,165 and 74-32,181 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 74-32,166 and 74-32,176.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Tyson.

Absent or Not Voting: King, Melcher.

The bill passed, as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

## REPORTS OF STANDING COMMITTEES

The Committee on **Assessment and Taxation** recommends **HB 2088**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2088," as follows:

"Senate Substitute for HOUSE BILL No. 2088

By Committee on Assessment and Taxation

"AN ACT concerning property taxation; amending K.S.A. 13-907, 79-1466 and 79-1467 and K.S.A. 2015 Supp. 79-5a27, 79-1801 and 79-2925b and repealing the existing sections.";

And the substitute bill be passed.

The Committee on **Commerce** recommends **HB 2509**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2509," as follows:

"Senate Substitute for HOUSE BILL No. 2509

By Committee on Commerce

"AN ACT concerning the department of commerce; relating to administrative cost recovery fees for department-administered community finance, economic development

and tax incentive programs; amending K.S.A. 74-5060 and K.S.A. 2015 Supp. 12-17,164 and 74-50,150 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2617**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 44-501 is hereby amended to read as follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if such injury to the employee results from:

- (A) The employee's deliberate intention to cause such injury;
- (B) the employee's willful failure to use a guard or protection against accident or injury which is required pursuant to any statute and provided for the employee;
- (C) the employee's willful failure to use a reasonable and proper guard and protection voluntarily furnished the employee by the employer;
- (D) the employee's reckless violation of their employer's workplace safety rules or regulations; or
- (E) the employee's voluntary participation in fighting or horseplay with a co-employee for any reason, work related or otherwise.

(2) ~~Subparagraphs (B) and (C) of paragraph (1) of~~ Subsection (a)(1)(B) and (C) shall not apply when it was reasonable under the totality of the circumstances to not use such equipment, or if the employer approved the work engaged in at the time of an accident or injury to be performed without such equipment.

(b) (1) (A) The employer shall not be liable under the workers compensation act where the injury, disability or death was contributed to by the employee's use or consumption of alcohol or any drugs, chemicals or any other compounds or substances, including, but not limited to, any drugs or medications which are available to the public without a prescription from a health care provider, prescription drugs or medications, any form or type of narcotic drugs, marijuana, stimulants, depressants or hallucinogens.

(B) In the case of drugs or medications which are available to the public without a prescription from a health care provider and prescription drugs or medications, compensation shall not be denied if the employee can show that such drugs or medications were being taken or used in therapeutic doses and there have been no prior incidences of the employee's impairment on the job as the result of the use of such drugs or medications within the previous 24 months.

(C) It shall be conclusively presumed that the employee was impaired due to alcohol or drugs if it is shown that, at the time of the injury, the employee had an alcohol concentration of .04 or more, or a GCMS confirmatory test by quantitative analysis showing a concentration at or above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
Marijuana metabolite <sup>1</sup> .....	.15
Cocaine metabolite <sup>2</sup> 150 .....	.150
Opiates:	
Morphine .....	.2000
Codeine .....	.2000

6-Acetylmorphine<sup>4</sup> .....10ng/ml  
 Phencyclidine ..... 25  
 Amphetamines: .....500  
     Amphetamine .....500  
     Methamphetamine<sup>3</sup> .....500

- 1 Delta-9-tetrahydrocannabinol-9-carboxylic acid.
- 2 Benzoylcegonine.
- 3 Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.
- 4 Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

(D) If it is shown that the employee was impaired pursuant to subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable presumption that the accident, injury, disability or death was contributed to by such impairment. The employee may overcome the presumption of contribution by clear and convincing evidence.

(E) An employee's refusal to submit to a chemical test at the request of the employer shall result in the forfeiture of benefits under the workers compensation act if the employer had sufficient cause to suspect the use of alcohol or drugs by the claimant or if the employer's policy clearly authorizes post-injury testing.

(2) The results of a chemical test shall be admissible evidence to prove impairment if the employer establishes that the testing was done under any of the following circumstances:

(A) As a result of an employer mandated drug testing policy, in place in writing prior to the date of accident or injury, requiring any worker to submit to testing for drugs or alcohol;

(B) during an autopsy or in the normal course of medical treatment for reasons related to the health and welfare of the injured worker and not at the direction of the employer;

(C) the worker, prior to the date and time of the accident or injury, gave written consent to the employer that the worker would voluntarily submit to a chemical test for drugs or alcohol following any accident or injury;

(D) the worker voluntarily agrees to submit to a chemical test for drugs or alcohol following any accident or injury; or

(E) as a result of federal or state law or a federal or state rule or regulation having the force and effect of law requiring a post-injury testing program and such required program was properly implemented at the time of testing.

(3) Notwithstanding subsection (b)(2), the results of a chemical test performed on a sample collected by an employer shall not be admissible evidence to prove impairment unless the following conditions are met:

(A) The test sample was collected within a reasonable time following the accident or injury;

(B) the collecting and labeling of the test sample was performed by or under the supervision of a licensed health care professional;

(C) the test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(D) the test was confirmed by gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample; and

(E) the foundation evidence must establish, beyond a reasonable doubt, that the test results were from the sample taken from the employee; and

~~(F) a split sample sufficient for testing shall be retained and made available to the employee within 48 hours of a positive test.~~

(4) In addition to the requirements set forth in paragraph (3), a split sample sufficient for testing shall be retained and made available to the employee within 48 hours of a positive test if the employer, using a facility on the employer's premises, collects the sample that is the subject of the chemical test.

(c) (1) Except as provided in paragraph (2), compensation shall not be paid in case of coronary or coronary artery disease or cerebrovascular injury unless it is shown that the exertion of the work necessary to precipitate the disability was more than the employee's usual work in the course of the employee's regular employment.

(2) For events occurring on or after July 1, 2014, in the case of a firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto, or a law enforcement officer as defined by K.S.A. 74-5602, and amendments thereto, coronary or coronary artery disease or cerebrovascular injury shall be compensable if:

(A) The injury can be identified as caused by a specific event occurring in the course and scope of employment;

(B) the coronary or cerebrovascular injury occurred within 24 hours of the specific event; and

(C) the specific event was the prevailing factor in causing the coronary or coronary artery disease or cerebrovascular injury.

(d) Except as provided in the workers compensation act, no construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project, shall be liable for any injury resulting from the employer's failure to comply with safety standards on the construction project for which compensation is recoverable under the workers compensation act, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

(e) An award of compensation for permanent partial impairment, work disability, or permanent total disability shall be reduced by the amount of functional impairment determined to be preexisting. Any such reduction shall not apply to temporary total disability, nor shall it apply to compensation for medical treatment.

(1) Where workers compensation benefits have previously been awarded through settlement or judicial or administrative determination in Kansas, the percentage basis of the prior settlement or award shall conclusively establish the amount of functional impairment determined to be preexisting. Where workers compensation benefits have not previously been awarded through settlement or judicial or administrative determination in Kansas, the amount of preexisting functional impairment shall be established by competent evidence.

(2) In all cases, the applicable reduction shall be calculated as follows:

(A) If the preexisting impairment is the result of injury sustained while working for the employer against whom workers compensation benefits are currently being sought, any award of compensation shall be reduced by the current dollar value attributable under the workers compensation act to the percentage of functional impairment determined to be preexisting. The "current dollar value" shall be calculated by multiplying the percentage of preexisting impairment by the compensation rate in effect on the date of the accident or injury against which the reduction will be applied.

(B) In all other cases, the employer against whom benefits are currently being sought shall be entitled to a credit for the percentage of preexisting impairment.

(f) If the employee receives, whether periodically or by lump sum, retirement benefits under the federal social security act or retirement benefits from any other retirement system, program, policy or plan which is provided by the employer against which the claim is being made, any compensation benefit payments which the employee is eligible to receive under the workers compensation act for such claim shall be reduced by the weekly equivalent amount of the total amount of all such retirement benefits, less any portion of any such retirement benefit, other than retirement benefits under the federal social security act, that is attributable to payments or contributions made by the employee, but in no event shall the workers compensation benefit be less than the workers compensation benefit payable for the employee's percentage of functional impairment. Where the employee elects to take retirement benefits in a lump sum, the lump sum payment shall be amortized at the rate of 4% per year over the employee's life expectancy to determine the weekly equivalent value of the benefits.

Sec. 2. K.S.A. 2015 Supp. 44-510e is hereby amended to read as follows: 44-510e.

(a) In case of whole body injury resulting in temporary or permanent partial general disability not covered by the schedule in K.S.A. 44-510d, and amendments thereto, the employee shall receive weekly compensation as determined in this subsection during the period of temporary or permanent partial general disability not exceeding a maximum of 415 weeks.

(1) Weekly compensation for temporary partial general disability shall be  $66\frac{2}{3}\%$  of the difference between the average weekly wage that the employee was earning prior to the date of injury and the amount the employee is actually earning after such injury in any type of employment. In no case shall such weekly compensation exceed the maximum as provided for in K.S.A. 44-510c, and amendments thereto.

(2) (A) Permanent partial general disability exists when the employee is disabled in a manner which is partial in character and permanent in quality and which is not covered by the schedule in K.S.A. 44-510d, and amendments thereto. Compensation for permanent partial general disability shall also be paid as provided in this section where an injury results in:

(i) The loss of or loss of use of a shoulder, arm, forearm or hand of one upper extremity, combined with the loss of or loss of use of a shoulder, arm, forearm or hand of the other upper extremity;

(ii) the loss of or loss of use of a leg, lower leg or foot of one lower extremity, combined with the loss of or loss of use of a leg, lower leg or foot of the other lower extremity; or

(iii) the loss of or loss of use of both eyes.

(B) The extent of permanent partial general disability shall be the percentage of functional impairment the employee sustained on account of the injury as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein, until January 1, 2015, but for injuries occurring on and after January 1, 2015, based on the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein.

(C) An employee may be eligible to receive permanent partial general disability compensation in excess of the percentage of functional impairment ("work disability") if:

(i) The percentage of functional impairment determined to be caused solely by the injury exceeds 7½% to the body as a whole ~~or the overall functional impairment is equal to or exceeds 10% to the body as a whole in cases where there is preexisting functional impairment; and or~~

(ii) in cases where there is a preexisting functional impairment, the combined impairment for the current injury and the preexisting impairment must be equal to or greater than 10% whole person impairment; and

(iii) the employee sustained a post-injury wage loss, as defined in subsection (a)(2) of K.S.A. 44-510e(a)(2)(E), and amendments thereto, of at least 10% which is directly attributable to the work injury and not to other causes or factors.

In such cases, the extent of work disability is determined by averaging together the percentage of post-injury task loss demonstrated by the employee to be caused by the injury and the percentage of post-injury wage loss demonstrated by the employee to be caused by the injury.

(D) "Task loss" shall mean the percentage to which the employee, in the opinion of a licensed physician, has lost the ability to perform the work tasks that the employee performed in any substantial gainful employment during the five-year period preceding the injury. The permanent restrictions imposed by a licensed physician as a result of the work injury shall be used to determine those work tasks which the employee has lost the ability to perform. If the employee has preexisting permanent restrictions, any work tasks which the employee would have been deemed to have lost the ability to perform, had a task loss analysis been completed prior to the injury at issue, shall be excluded for the purposes of calculating the task loss which is directly attributable to the current injury.

(E) "Wage loss" shall mean the difference between the average weekly wage the employee was earning at the time of the injury and the average weekly wage the employee is capable of earning after the injury. The capability of a worker to earn post-injury wages shall be established based upon a consideration of all factors, including, but not limited to, the injured worker's age, physical capabilities, education and training, prior experience, and availability of jobs in the open labor market. The administrative law judge shall impute an appropriate post-injury average weekly wage based on such factors. Where the employee is engaged in post-injury employment for wages, there shall be a rebuttable presumption that the average weekly wage an injured worker is actually earning constitutes the post-injury average weekly wage that the employee is capable of earning. The presumption may be overcome by competent evidence.

(i) To establish post-injury wage loss, the employee must have the legal capacity to enter into a valid contract of employment. Wage loss caused by voluntary resignation or termination for cause shall in no way be construed to be caused by the injury.

(ii) The actual or projected weekly value of any employer-paid fringe benefits are to be included as part of the worker's post-injury average weekly wage and shall be added to the wage imputed by the administrative law judge pursuant to K.S.A. 44-510e(a)(2)(E), and amendments thereto.

(iii) The injured worker's refusal of accommodated employment within the worker's medical restrictions as established by the authorized treating physician and at a wage equal to 90% or more of the pre-injury average weekly wage shall result in a rebuttable presumption of no wage loss.

(F) The amount of compensation for whole body injury under this section shall be determined by multiplying the payment rate by the weeks payable. As used in this section: (1) The payment rate shall be the lesser of: (A) The amount determined by multiplying the average weekly wage of the worker prior to such injury by  $66\frac{2}{3}\%$ ; or (B) the maximum provided in K.S.A. 44-510c, and amendments thereto; (2) weeks payable shall be determined as follows: (A) Determine the weeks of temporary compensation paid by adding the amounts of temporary total and temporary partial disability compensation paid and dividing the sum by the payment rate above; (B) subtract from 415 weeks the total number of weeks of temporary compensation paid as determined in (F)(2)(A), excluding the first 15 such weeks; and (3) multiply the number of weeks as determined in (F)(2)(B) by the percentage of functional impairment pursuant to subsection (a)(2)(B) or the percentage of work disability pursuant to subsection (a)(2)(C), whichever is applicable.

(3) When an injured worker is eligible to receive an award of work disability, compensation is limited to the value of the work disability as calculated above. In no case shall functional impairment and work disability be awarded together.

The resulting award shall be paid for the number of disability weeks at the payment rate until fully paid or modified. In any case of permanent partial disability under this section, the employee shall be paid compensation for not to exceed 415 weeks following the date of such injury. If there is an award of permanent disability as a result of the compensable injury, there shall be a presumption that disability existed immediately after such injury. Under no circumstances shall the period of permanent partial disability run concurrently with the period of temporary total or temporary partial disability.

(b) If an employee has sustained an injury for which compensation is being paid, and the employee's death is caused by other and independent causes, any payment of compensation already due the employee at the time of death and then unpaid shall be paid to the employee's dependents directly or to the employee's legal representatives if the employee left no dependent, but the liability of the employer for the payments of compensation not yet due at the time of the death of such employee shall cease and be abrogated by the employee's death.

(c) The total amount of compensation that may be allowed or awarded an injured employee for all injuries received in any one accident shall in no event exceed the compensation which would be payable under the workers compensation act for 100% permanent total disability resulting from such accident.

(d) Where a minor employee or a minor employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or cause of action against the employer shall inure or accrue to or exist in favor of the parent or parents of such minor employee on account of any damage resulting to such parent or parents on account of the loss of earnings or loss of service of such minor employee.

(e) In any case of injury to or death of an employee, where the employee or the employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or action shall inure, accrue to or exist in favor of the surviving spouse or any relative or next of kin of such employee against such employer on account of any damage resulting to such surviving spouse or any relative or next of kin on account of the loss of earnings, services, or society of such employee or on any other account resulting from or growing out of the injury or death of such employee.";

On page 4, in line 10, after "(c)" by inserting "After implementation of rules and regulations by the director,";

On page 5, following line 18, by inserting:

"Sec. 6. K.S.A. 2015 Supp. 44-550b is hereby amended to read as follows: 44-550b. (a) All records provided to be maintained under K.S.A. 44-550, and amendments thereto, and notwithstanding the provisions of K.S.A. 45-215 et seq., and amendments thereto, shall be open to public inspection, except:

(1) Records relating to financial information submitted by an employer to qualify as a self-insurer pursuant to K.S.A 44-532, and amendments thereto;

(2) records which relate to utilization review or peer review conducted pursuant to K.S.A. 44-510j, and amendments thereto, shall not be disclosed except to the health care provider and as otherwise specifically provided by the workers compensation act;

(3) records relating to private premises safety inspections;

(4) medical records, forms collected pursuant to ~~subsection (b) of~~ K.S.A. 44-567(b), and amendments thereto, accident reports maintained under K.S.A. 44-550, and amendments thereto, and social security numbers pertaining to an individual which shall not be disclosed except:

(A) Upon order of a court of competent jurisdiction;

(B) to the employer, its insurance carrier or its representative, from whom a worker seeks workers compensation benefits;

(C) to the division of workers compensation for its own purposes;

(D) to federal or state governmental agencies for purposes of fraud and abuse investigations and child support enforcement, except that such disclosure shall not then be open to public inspection;

(E) to an employer in connection with any application for employment to an employer, its insurance carrier or representatives providing: (i) A conditional offer of employment has been made; and (ii) the request for records includes a signed release by the individual, identifies the job conditionally offered by the employer and is submitted in writing, either by mail or electronic means. Requests relating to an individual under this subsection shall be considered a record to be maintained and open to public inspection under K.S.A. 44-550, and amendments thereto, except social security numbers;

- (F) to the workers compensation fund for its own purposes; and
- (G) to the worker upon written release by the worker.
- (b) This section shall be part of and supplemental to the workers compensation act.";

Also on page 5, in line 19, after "Supp." by inserting "44-501, 44-510e,"; also in line 19, after "44-510i" by inserting "and 44-550b";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the" and inserting "compensation disallowances for substance abuse testing; eligibility for certain disability compensation,"; in line 2, after the second semicolon by inserting "records disclosure,"; in line 3, after "Supp." by inserting "44-501, 44-510e,"; also in line 3, after "44-510i" by inserting "and 44-550b"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 480** be passed.

Also, **HB 2018**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2018," as follows: "Senate Substitute for HOUSE BILL No. 2018

By Committee on Corrections and Juvenile Justice

"AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III and IV; amending K.S.A. 65-4127e and K.S.A. 2015 Supp. 65-4105 and 65-4109 and 65-4111 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2056** be amended as recommended by Senate Corrections and Juvenile Justice as reported in the Journal of the Senate on March 12, 2015, and the bill as printed as Senate Substitute for House Bill No. 2056, be further amended, on page 1, in line 6, by striking "9" and inserting "10"; in line 20, by striking "9" and inserting "10";

On page 2, in line 12, by striking "9" and inserting "10"; in line 22, by striking all after the first "the"; in line 25, after "act" by inserting "on or after July 1, 2016,"; in line 26, after "the" by inserting "censure, limitation, conditioning,"; in line 27, by striking "9" and inserting "10"; in line 30, after "(3)" by inserting "in the 10 years immediately preceding the submission of the application, been convicted of an offense classified as a person misdemeanor offense, or a substantially similar offense from another jurisdiction, unless such conviction has been expunged;

(4) ";

Also on page 2, in line 31, by striking "9" and inserting "10";

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

On page 3, in line 7, by striking "9" and inserting "10"; in line 16, by striking "9" and inserting "10"; in line 32, by striking "9" and inserting "10"; in line 34, after "(a)" by inserting "In accordance with the Kansas administrative procedure act,"; in line 35, by striking "9" and inserting "10"; in line 36, by striking all after "if"; by striking all in line 37; in line 42, after "of" by inserting "K.S.A. 22-2809a or"; also in line 42, by striking "9" and inserting "10";

On page 4, in line 1, after "felony" by inserting "or any other offense described in section 3, and amendments thereto"; in line 4, by striking "or"; in line 6, after "license" by inserting ";

(6) become subject to a domestic protection order from this or any jurisdiction which complies with 18 U.S.C. § 922(g)(8);

(7) become subject to K.S.A. 59-2945 et seq. or K.S.A. 59-29b45 et seq., and amendments thereto, or a substantially similar proceeding from another jurisdiction; or

(8) become subject to any proceeding which could render the licensee subject to censure, limitation, condition, suspension or revocation of such licensee's license under the provisions of this section";

Also on page 4, in line 14, by striking "9" and inserting "10"; in line 20, by striking "9" and inserting "10"; in line 36, by striking "\$5" and inserting "\$15";

On page 5, in line 4, by striking "9" and inserting "10"; in line 11, by striking "9" and inserting "10"; following line 16, by inserting:

"New Sec. 10. (a) The unlicensed conduct as a bail enforcement agent prohibited by this act and K.S.A. 22-2809a, and amendments thereto, constitutes an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto, and any person who engages in unlicensed conduct as a bail enforcement agent shall be subject to the remedies and penalties provided by the Kansas consumer protection act.

(b) For the purposes of the remedies and penalties provided by the Kansas consumer protection act:

(1) The person committing unlicensed conduct as a bail enforcement agent shall be deemed the supplier, and the person who is the victim of such conduct shall be deemed the consumer; and

(2) proof of a consumer transaction shall not be required.

(c) Notwithstanding any provision of the Kansas consumer protection act to the contrary, only the attorney general, or the attorney general's designee, may bring a civil action alleging a violation of the Kansas consumer protection act pursuant to this section. This section shall not be construed as creating or allowing a private right of action under the Kansas consumer protection act.

(d) In addition to any civil penalties provided by this section, a person who violates any provision of sections 1 through 10, and amendments thereto, may be prosecuted for, convicted of, and punished for an offense under K.S.A. 22-2809a, and amendments thereto.

(e) This section shall be part of and supplemental to the Kansas consumer protection act.

New Sec. 11. (a) As used in this section:

(1) "Compensated surety" means any person who or entity that is not a corporation that, as surety, issues appearance bonds for compensation, is responsible for any forfeiture and is liable for appearance bonds written by such person's or entity's authorized agents. A compensated surety is either an insurance agent surety or a property surety.

(2) "Insurance agent surety" means a compensated surety licensed by the insurance commissioner to issue surety bonds or appearance bonds in this state and who represents an authorized insurance company. An insurance agent surety may have other insurance agent sureties working with or for such surety.

(3) "Property surety" means a compensated surety who secures appearance bonds by property pledged as security. A property surety may be a person or entity, other than a corporation, and may authorize bail agents to act on behalf of the property surety in writing appearance bonds.

(4) "Bail agent" means a person authorized by a compensated surety to execute surety bail bonds on such surety's behalf.

(b) Every compensated surety shall submit an application to the chief judge of the judicial district, or the chief judge's designee, in each judicial district where such surety seeks to act as a surety. A compensated surety shall not act as a surety in such judicial district prior to approval of such application.

(1) The application shall include, but is not limited to, the following information for each insurance agent surety, property surety or bail agent:

(A) A copy of the applicant's Kansas driver's license or nondriver's identification card;

(B) a statement, made under penalty of perjury, that the applicant is a resident of this state and is not prohibited by K.S.A. 22-2809a(c), and amendments thereto, from acting as a surety;

(C) a certificate of continuing education compliance in accordance with subsection (f).

(2) The application for each insurance agent surety also shall include:

(A) A copy of the qualifying power of attorney certificates issued to such surety by any insurance company;

(B) a current and valid certificate of license from the insurance department; and

(C) a current and valid certificate of authority from the insurance department.

(3) The application for each property surety also shall include:

(A) A list of all bail agents authorized by such property surety to write appearance bonds on such property surety's behalf and all documentation from such bail agents demonstrating compliance with subsection (b)(1); and

(B) an affidavit describing the property by which such property surety proposes to justify its obligations and the encumbrances thereon, and all such surety's other liabilities. The description shall include a valuation of the property described therein. If the valuation is not readily evident, an appraisal of the property may be required and, if required, shall be incorporated into the affidavit.

(c) A property surety authorized to act as a surety in a judicial district pursuant to subsection (b) shall be allowed outstanding appearance bonds not to exceed an aggregate amount which is 15 times the valuation of the property described in subsection (b)(3). Such property surety shall not write any single appearance bond that exceeds 35% of the total valuation of the property described in subsection (b)(3).

(d) (1) Each judicial district may, by local rule, require additional information from any compensated surety and establish what property is acceptable for bonding purposes under subsection (b)(3).

(2) A judicial district shall not require any compensated surety to apply for authorization in such judicial district more than once per year, but may require additional reporting from any compensated surety in its discretion. If the judicial district does not require an annual application, each compensated surety or bail agent shall provide a certificate of continuing education compliance in accordance with subsection (f) to the judicial district each year.

(3) A judicial district shall not decline authorization for a compensated surety solely on the basis of type of compensated surety.

(e) (1) Nothing in this section shall be construed to require the chief judge of the judicial district, or the chief judge's designee, to authorize any compensated surety to

act as a surety in such judicial district if the judge or designee finds, in such person's discretion, that such authorization is not warranted.

(2) If such authorization is granted, the chief judge of the judicial district, or the chief judge's designee, may terminate or suspend the authorization at any time.

(A) If the authorization is suspended for 30 days or more, the judge or designee shall make a record describing the length of the suspension and the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the suspension is ordered.

(B) If the authorization is terminated, the judge or designee shall make a record describing the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the termination is ordered.

(3) If an authorized compensated surety does not comply with the continuing education requirements in subsection (f), the chief judge of the judicial district, or the chief judge's designee, may allow a conditional authorization to continue acting as a surety for 90 days. If such compensated surety does not comply with the continuing education requirements in subsection (f) within 90 days, such conditional authorization shall be terminated and such compensated surety shall not act as a surety in such judicial district.

(f) (1) Every compensated surety shall obtain at least eight hours of continuing education credits during each 12-month period beginning on January 1, 2017.

(2) The Kansas bail agents association shall either provide or contract for a minimum of eight hours of continuing education classes to be held at least once annually in each congressional district and may provide additional classes in its discretion. The chief judge in each judicial district may provide a list of topics to be covered during the continuing education classes. A schedule of such classes shall be publicly available. The association shall not charge more than \$250 annually for the eight hours of continuing education classes, and the cost of any class with less than eight hours of continuing education shall be prorated accordingly. Any fee charged for attending continuing education classes shall not be increased or decreased based upon a compensated surety's membership or lack of membership in the association.

(3) Upon completion of at least eight hours of continuing education credits during each 12-month period by a compensated surety, the Kansas bail agents association shall issue a certificate of continuing education compliance to such surety. The certificate shall be prepared and delivered to the compensated surety within 30 days of such surety's completion of the continuing education requirements. The certificate shall show in detail the dates and hours of each course attended, along with the signature of the Kansas bail agents association official attesting that all continuing education requirements have been completed.

(4) Any continuing education credits used to comply with conditional authorization pursuant to subsection (e)(3) shall not be applied towards compliance in the current 12-month period or any subsequent 12-month period.

Sec. 12. K.S.A. 2015 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either K.S.A. 2015 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(e) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion

agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a first violation of a city ordinance which would also constitute a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

- (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged

may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2015 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; ~~or~~

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2015 Supp. 75-7c01 et seq., and amendments thereto; or

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to sections 1 through 10, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense

which requires as an element of such offense a prior conviction of the type expunged.

(j) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act:

(A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and

(B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications:

(A) To be an employee of the state gaming agency; or

(B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

(A) Carry a concealed weapon pursuant to the personal and family protection act;

or

(B) act as a bail enforcement agent pursuant to sections 1 through 10, and amendments thereto;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 13. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its

repeal, convicted of a violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services

program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any

diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

- (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged

may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2015 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; ~~or~~

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2015 Supp. 75-7c01 et seq., and amendments thereto; or

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to sections 1 through 10, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense

which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law

in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to:

(A) Aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(B) act as a bail enforcement agent pursuant to sections 1 through 10, and amendments thereto; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on

and after July 1, 2011.

Sec. 14. K.S.A. 22-2806 is hereby amended to read as follows: 22-2806. Every uncompensated surety, except an insurance company authorized to transact business pursuant to ~~subsection (d) of~~ K.S.A. 40-1102(d), and amendments thereto, shall justify by affidavit and may be required to describe in the affidavit the property by which such surety proposes to justify and the encumbrances thereon, the number and amount of other bonds and undertakings for bail entered into by such surety and remaining undischarged and all such surety's other liabilities. No bond shall be approved unless the uncompensated surety appears to be qualified. The appearance bond and the uncompensated sureties may be approved and accepted by a judge of the court where the action is pending or by the sheriff of the county.";

Also on page 5, in line 17, by striking "2014" and inserting "2015";

On page 6, in line 7, by striking "9" and inserting "10"; in line 17, by striking "9" and inserting "10"; in line 22, by striking "9" and inserting "10"; in line 27, before "K.S.A." by inserting "K.S.A. 22-2806 and"; also in line 27, by striking "2014" and inserting "2015"; also in line 27, after "Supp." by inserting "12-4516, 12-4516d, 21-6614 and 21-6614f and"; also in line 27, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 22-2806 and"; also in line 2, by striking "2014" and inserting "2015"; in line 3, before "22-2809a" by inserting "12-4516, 21-6614 and"; also in line 3, by striking "section" and inserting "sections"; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f"; and the bill be further amended, passed as amended.

**HB 2460**, as amended by House Committee, be amended on page 2, in line 37, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2463** be amended on page 2, in line 19, by striking "5" and inserting "4"; in line 29, by striking "6" and inserting "5"; in line 31, by striking "a" and inserting "any"; also in line 31, by striking "severity level 5"; by striking all in lines 34 through 41;

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

On page 6, following line 11, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (e) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (e), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions

of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) (1) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction.

(2) Unless the defendant, after being apprised of the right to a hearing by the supervising court services or community correctional services officer, waives such hearing, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing.

(3) (A) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in ~~subsection (i)~~ of K.S.A. 2015 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the violation sanctions as provided in subsection (c)(1).

(B) Except as otherwise provided, if the original crime of conviction was a misdemeanor or a felony specified in ~~subsection (i)~~ of K.S.A. 2015 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may:

(i) Continue or modify the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed shall be imposed concurrently;

(ii) impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision; or

(iii) revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

(4) Except as otherwise provided, if the defendant waives the right to a hearing and the sentencing court has not specifically withheld the authority from court services or community correctional services to impose sanctions, the following sanctions may be imposed without further order of the court:

(A) If the defendant was on probation at the time of the violation, the defendant's

supervising court services officer, with the concurrence of the chief court services officer, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of supervision; and

(B) if the defendant was assigned to a community correctional services program at the time of the violation, the defendant's community corrections officer, with the concurrence of the community corrections director, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during the term of supervision.

(c) (1) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in ~~subsection (i) of~~ K.S.A. 2015 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the following sanctions:

(A) Continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;

(B) continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and an intermediate sanction of confinement in a county jail to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision;

(C) if the violator already had at least one intermediate sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7);

(D) if the violator already had a sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7); or

(E) if the violator already had a sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) related to the crime for which the original supervision was imposed,

revocation of the probation, assignment to a community corrections services program, suspension of sentence or nonprison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence which might originally have been imposed.

(2) Except as otherwise provided in subsections (c)(3), (c)(8) and (c)(9), no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already had at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed.

(3) The provisions of subsection (c)(2) shall not apply to adult felony offenders as described in ~~subsection (a)(3) of K.S.A. 75-5291(a)(3)~~, and amendments thereto.

(4) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(5) When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2015 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(6) Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) such offender shall return to community correctional services supervision. The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned.

(7) A violation sanction imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) shall not be longer than the amount of time remaining on the offender's underlying prison sentence.

(8) (A) ~~If the offender commits a new felony or misdemeanor or absconds from supervision~~ while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).

(B) If the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may:

(i) Revoke the probation, assignment to a community correctional services

program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D); or

(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)(1)(D) without imposing a sanction under (c)(1)(B).

(9) The court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by such sanction.

(10) If an offender is serving multiple probation terms concurrently, any violation sanctions imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to subsection (c)(11), shall be imposed concurrently.

(11) If the original crime of conviction was a felony, except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2015 Supp. 8-1025, and amendments thereto, and the court makes a finding that the offender has committed one or more violations of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may impose confinement in a county jail not to exceed 60 days upon each such finding. Such confinement is separate and distinct from the violation sanctions provided in subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)(E) and shall not be imposed at the same time as any such violation sanction.

(12) The violation sanctions provided in this subsection shall apply to any violation of conditions of release or assignment or a nonprison sanction occurring on and after July 1, 2013, regardless of when the offender was sentenced for the original crime or committed the original crime for which sentenced.

(d) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(e) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(f) For crimes committed on and after July 1, 2013, a felony offender whose nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

(g) Offenders who have been sentenced pursuant to K.S.A. 2015 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.";

Also on page 6, in line 12, by striking "and" and inserting a comma; also in line 12, after "21-6811" by inserting "and 22-3716";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon, by inserting "probation and postrelease supervision; violation sanctions;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "21-6811" by inserting "and 22-3716"; and the bill be passed as amended.

Committee on **Education** recommends **SB 356** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 356," as follows:

"Substitute for SENATE BILL No. 356

By Committee on Education

"AN ACT concerning education; relating to school district capital improvement state aid; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Natural Resources** recommends **HB 2156**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2156," as follows:

"Senate Substitute for HOUSE BILL No. 2156

By Committee on Natural Resources

"AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 2015 Supp. 74-506d, 75-2935 and 82a-303b and repealing the existing sections.";

And the substitute bill be passed.

## REPORT ON ENROLLED BILLS

**Sub SB 103; SB 175, SB 312, SB 334, SB 369, SB 376** reported correctly enrolled, properly signed and presented to the Governor on March 18, 2016.

## TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 14 through March 18, 2016:

Senator Faust-Goudeau: recognizing Cassandra Carrington for her service as an After School Ambassador and Go Zones Director;

Senator Francisco: congratulating Jazmyne McNair on being named the Boys and Girls Club's Youth of the Year;

Senator Hawk: congratulating and commending Ethan McPherson on being named a Top Youth Volunteer in Kansas;

Senator Olson: recognizing David Rabanal on achieving the rank of Eagle Scout;

Senator Ostmeyer: recognizing Sake2Me Sushi Rolls for receiving the 2016 Business of the Year Award, recognizing Colby Glass and Sign Company on receiving the 2016 Business of the Year Award;

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Senator Petersen: recognizing Zebulun Aronstein on achieving the rank of Eagle Scout; and

Senator Wolf: congratulating and commending Teresa Shockley on being named a Top Youth Volunteer in Kansas.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 21, 2016.

# Journal of the Senate

FORTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 21, 2016, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Love was excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, many of us call this Easter Week. A week in which the historical death, burial and resurrection of Jesus Christ is given plenty of attention. In John 12:23-24, Jesus said, that a grain of wheat remains just one grain, and never becomes more, unless it falls into the ground...is buried and dies. And from that death...from that burial, springs a wealth of new life and fruitfulness to benefit many. Would You grant to each of us, during this week, a time of personal reflection? Are there some things in our lives we need to crucify? Scripture teaches that it was in harmony with Your will that Jesus be crucified. So, what would be in harmony with Your will for us to crucify? During this passion week, give us a passion for personal improvement. During this week, starting even right now, reveal to us the things we might be keeping alive, that need to die and be buried, so that our best can blossom. If there are things going on...if there are attitudes and actions that we need to put a stop to, convict us of the things that need to die, convince us to bury them and convert us to personal and collective fruitfulness. Thank You Lord, for what You shall do in us, that You may do more through us. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President King.

## **POINT OF PERSONAL PRIVILEGE**

Senator Knox rose on a Point of Personal Privilege to welcome Frank Foster to the Kansas Senate and honor him for his military service. He is one of a small number of Americans still living who served in the United States Armed Forces during World War II, the Korean War and the Vietnam War. He served in the U.S. Navy as a mechanic for 25 years, from 1942 through 1967. He spent time in Pearl Harbor, Australia, Hong Kong, China, Singapore, Saudi Arabia, the Suez Canal, the Sahara Desert, the Mediterranean Sea, Gibraltar, Morocco, Norway, England, the Panama Canal, Korea, Vietnam and Japan. Frank and his wife Norma instilled in their five children a deep love and respect for their country and they all went on to serve in the U.S. Armed Forces. Their son, Michael, served in the U.S. Army and is retired from the Army National Guard. Son Greg, attended the U.S. Naval Academy and served in the Navy Reserves. Son James, retired from the U.S. Army Special Forces. Son Charles, retired from the

U.S. Air Force. Daughter Michelle, served 8 years in the U.S. Navy. The freedom we enjoy in America has come at a very high price for those serving in the military, especially in times of conflict.

Guests introduced were Frank Foster, Norma Foster, Charles Foster and Daffney Foster.

Senators honored the guests with a standing ovation.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Francisco rose on a Point of Personal Privilege to recognize Jazmyne McNair as the Kansas Youth of the Year representing the Boys and Girls Club of Kansas. The Youth of the Year program promotes and celebrates young people's service to their club, community and family; academic performance; moral character; and public speaking abilities.

#### **MESSAGE FROM THE GOVERNOR**

**SB 423** has been signed into law March 18, 2016.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2576**, **HB 2595**.

Announcing passage of **SB 358**.

The House nonconcurrs in Senate amendments to **S Sub HB 2131**, requests a conference and has appointed Representatives Seiwert, Alford and Kuether as conferees on the part of the House.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2576**, **HB 2595** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Hensley, Wagle, Arpke, Baumgardner, Bowers, Bruce, Faust-Goudeau, Haley, Hawk, Holland, Kelly, King, LaTurner, Longbine, Love, Masterson, Olson, Pettey, Pyle, V. Schmidt, Smith and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1783—

A RESOLUTION congratulating and commending the Kansas City Royals baseball organization on their World Championship 2015 season.

WHEREAS, The Kansas City Royals are the 2015 World Series Champions, earning the title of World Champions of Major League Baseball; and

WHEREAS, The Kansas City Royals are also the 2015 American League Central Division Champions and won the 2015 American League pennant for the second year in a row; and

WHEREAS, The Kansas City Royals won an American League leading 95 games, and won 11 more games in the postseason, culminating in a dominant World Series victory over the New York Mets in five games, in the best-of-seven annual championship classic, earning the Royals their first championship since 1985; and

WHEREAS, The 2015 World Series matchup between the Royals and the Mets

featured the first-ever Fall Classic between two of Major League Baseball's expansion franchises; and

WHEREAS, Game one of the World Series was played on October 27, 2015, which exactly 30 years prior to such day, on October 27, 1985, the Kansas City Royals won game seven and their first World Series Championship; and

WHEREAS, With the first pitch in the bottom of the first inning of the first game of the 2015 World Series, Royals shortstop, Alcides Escobar hit the first inside-the-park home run by a lead-off hitter in a World Series game since 1903; and

WHEREAS, The opening game also set the tone for this memorable series when Royals All-Star Alex Gordon sent the game into extra innings in the ninth inning, becoming only the fifth player in history to tie a World Series game with a ninth-inning home run. The Royals went on to a dramatic victory in the 14-inning contest, which matched the longest game in World Series history; and

WHEREAS, The Kansas City Royals catcher, Salvador Perez, was chosen as the Most Valuable Player of the 2015 World Series, for being the player selected as having the most impact on the performance of the Royals in the World Series; and

WHEREAS, Time and time again, the Kansas City Royals found a way to rally in late innings to win a critical game and turn the improbable into the probable, which was no more apparent than in the championship-clinching game five of the World Series, where the Royals scored two runs in the ninth inning, and scored five runs in the 12<sup>th</sup> inning, for the victory; and

WHEREAS, Named to the 2015 American League All-Star team were seven Kansas City Royals: Salvador Perez, Alcides Escobar, Lorenzo Cain and Alex Gordon, as starters, and Mike Moustakas, Kelvin Herrera and Wade Davis; and

WHEREAS, The owners, manager, coaches, trainers, other associated organizational persons, and most of all, the players of the Kansas City Royals baseball organization are to be congratulated and commended for their outstanding efforts in earning the title of 2015 World Champions of Major League Baseball: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Kansas City Royals baseball club and all persons connected therewith, including all Royals fans, be congratulated on their outstanding 2015 Major League baseball season, and winning their second World Championship; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to the Kansas City Royals baseball club.

On emergency motion of Senator Hensley **SR 1783** was adopted by voice vote.

Guests introduced were Toby Cook, Vice President of Publicity; Curt Nelson, Director, Royals Hall of Fame; and Dave Webster.

Senators honored the guests and team with a standing ovation.

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

SENATE RESOLUTION No. 1782—

A RESOLUTION honoring and commending  
Officer Larry Hampton for his bravery in the line of duty.

WHEREAS, Officer Larry Hampton was recently awarded the Derby Police Department's Medal of Valor for his effort during the pursuit of a violent felon who was fleeing from an armed robbery and shooting on August 11, 2015; and

WHEREAS, Julie Dombo, a retired middle school counselor in the Haysville School District, was shot multiple times during the robbery and suffered devastating injuries that resulted in the amputation of all four of her limbs. During the subsequent pursuit, the suspect fired upon Officer Hampton three times. Officer Hampton continued to pursue the suspect, without concern for his own safety, in an effort to apprehend the suspect and prevent additional harm to civilians. Due in large part to Officer Hampton's level-headed and relentless pursuit, the suspect was soon captured, and no additional civilians were harmed; and

WHEREAS, Commenting recently about his award, Officer Hampton said, "It is an honor to be recognized by my peers for this award. My colleagues and I are ready each and every day to serve the citizens of Derby."; and

WHEREAS, Regarding the victim of the shooting, Officer Hampton said, "Julie Dombo is an extraordinary person, and we should recognize her for her courage. She truly is an inspiration for all of us." Julie has been positive and upbeat during her recovery process, and her family has created a GoFundMe page to help cover her increased expenses; and

WHEREAS, Officer Hampton has been a member of the Derby Police Department since May 14, 1998. During his 17 years at Derby PD, Officer Hampton has been assigned to the Patrol Division. In addition to regular patrol duties, Officer Hampton has worked as a Field Training Officer, training new police officers to perform and understand the important tasks and concepts of the job; and

WHEREAS, Officer Hampton was born and raised in Kansas. In 1974, he joined the United States Army. He has served in three different deployments to Germany. In 1994, Officer Hampton retired from the Army and took a job with Pinkerton Security, and, in 1995, he joined the Kansas Department of Corrections as a guard at the El Dorado Correctional Facility (ECF). While serving at ECF, Officer Hampton was a member of the Special Security Team, a tactical unit within the prison. Officer Hampton remained at ECF until joining Derby PD in 1998; and

WHEREAS, Police officers, like Officer Hampton, are an essential part of our nation's society. They risk their lives on a daily basis to keep citizens safe and out of harm's way: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor and commend Officer Larry Hampton for his exceptional bravery in the line of duty. The actions he took to protect the people of Derby are deeply appreciated by all Kansans; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Officer Larry Hampton.

On emergency motion of Senator Petersen **SR 1782** was adopted by voice vote.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Petersen the Senate nonconcurrent in the House amendments to **SB 318** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Petersen and Francisco as a conference committee on the part of the Senate.

#### **ORIGINAL MOTION**

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2131**.

The Vice President appointed Senators Olson, Petersen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce the Senate recessed until 2:00 p.m.

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 329, SB 330, SB 412.**

Announcing passage of **SB 367**, as amended.

Announcing passage of **SB 249**, as amended by **H Sub SB 249; SB 255**, as amended by **H Sub SB 255.**

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Smith the Senate nonconcurred in the House amendments to **H Sub SB 255** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurred in the House amendments to **SB 367** and requested a conference committee be appointed.

The Vice President appointed Senators Smith, Knox and Pettey as a conference committee on the part of the Senate.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Natural Resources** recommends **HB 2479**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2479," as follows:

"Senate Substitute for HOUSE BILL No. 2479

By Committee on Natural Resources

"AN ACT concerning agriculture; relating to noxious weeds; counties; state agencies; amending K.S.A. 2015 Supp. 2-1314 and 2-1319 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 465, SB 477** be passed.

Also, **SB 489** be amended on page 1, in line 7, before "Section" by inserting "New"; also in line 7, by striking "12" and inserting "11"; in line 9, before "Sec." by inserting "New"; in line 11, by striking all after the first period; in line 24, by striking all after "means"; by striking all in lines 25 and 26; in line 27, by striking all before the period and inserting ":

(1) For a patient 21 years of age or older, cannabis plant material that is no more than 1% tetrahydrocannabinol by weight and no less than 15% cannabidiol by weight or an extract, mixture or preparation containing cannabis plant material that is no more than 1% tetrahydrocannabinol by weight and no less than 15% cannabidiol by weight; or

(2) for a patient under 21 years of age, cannabis plant material that is no more than 0.3% tetrahydrocannabinol by weight and no less than 15% cannabidiol by weight or an extract, mixture or preparation containing cannabis plant material that is no more than 0.3% tetrahydrocannabinol by weight and no less than 15% cannabidiol by weight";

Also on page 1, in line 28, by striking all after "(f)"; by striking all in lines 29 through 32;

On page 2, in line 6, after "surgery" by inserting ", who is certified by the board to issue a written certification for medical hemp preparations pursuant to section 12, and amendments thereto, and who is practicing in a healthcare facility licensed by the state of Kansas"; in line 7, by striking all after "means"; by striking all in line 8; in line 9, by striking all before the period and inserting "":

(1) For a patient 21 years of age or older, Alzheimer's disease, cancer, multiple sclerosis, post-traumatic stress disorder or a condition causing seizures, including those characteristic of epilepsy; or

(2) for a patient under 21 years of age, a condition causing seizures, including those characteristic of epilepsy";

Also on page 2, by striking all in lines 10 through 20; by striking all in lines 23 through 25;

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

On page 3, in line 1, before "Sec." by inserting "New";

On page 4, in line 17, before "Sec." by inserting "New";

On page 5, in line 17, by striking all after "personnel"; in line 18, by striking all before "to"; in line 25, before "Sec." by inserting "New"; in line 28, after the semicolon by inserting "and"; in line 29, by striking all after "(2)"; by striking all in lines 30 through 43;

On page 6, by striking all in lines 1 through 31; in line 32, by striking "(9)"; also in line 32, by striking "registration"; in line 33, by striking all before "registration"; also in line 33, by striking all after "cardholders"; in line 34, by striking "establishments that" and inserting "who"; in line 40, by striking "no less than a reasonable 60-day supply" and inserting "a 30-day supply with no refills";

On page 7, in line 13, before "Sec." by inserting "New"; in line 14, by striking the comma and inserting "and"; also in line 14, by striking all after "cards"; in line 15, by striking all before "subject"; by striking all in lines 25 through 29; in line 33, before "Sec." by inserting "New"; in line 42, by striking all after "(1)"; by striking all in line 43;

On page 8, in line 5, by striking all after "(c)"; by striking all in lines 6 through 42; in line 43, by striking the second "or";

On page 9, in line 1, by striking all before "shall"; in line 5, by striking all before "shall"; in line 8, by striking all after the second "cardholder"; in line 9, by striking all before "shall"; in line 24, before "Sec." by inserting "New";

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

Also on page 9, by striking all in lines 36 through 43;

By striking all on pages 10 and 11;

On page 12, by striking all in lines 1 through 8; following line 8, by inserting:

"New Sec. 10. (a) Any patient who is a cardholder pursuant to this act shall obtain or receive medical hemp preparations only from a facility or organization located and operating outside the state of Kansas that is verified and approved by the secretary of health and environment. Possession of medical hemp preparations obtained in violation of this subsection shall constitute the unlawful possession of a controlled substance as

defined by K.S.A. 2015 Supp. 21-5706(b)(7), and amendments thereto, and be subject to the penalties prescribed therein.

(b) The secretary of health and environment shall adopt rules and regulations regarding the verification and approval of dispensing facilities or organizations located outside the state of Kansas from which patient cardholders may obtain or receive medical hemp preparations. Such rules and regulations shall include, at a minimum, requirements that the dispensing facility or organization has procedures to:

- (1) Maintain accurate recordkeeping;
- (2) verify a patient carholder's documentation purporting to allow such cardholder to obtain or possess medical hemp preparations;
- (3) package and label accurately any medical hemp preparations dispensed by the organization or facility, including sealing the preparations in a child-resistant package and indicating the preparation's ingredients and percentages of tetrahydrocannabinol and cannabidiol by weight;
- (4) test samples of medical hemp preparations randomly to verify accuracy of labeling for contents and potency; and
- (5) initiate and facilitate mandatory and voluntary recalls of medical hemp preparations.";

Also on page 12, following line 12 by inserting:

"New Sec. 12. (a) There is hereby established the designation of medical hemp preparation certification. The board is authorized to issue a medical hemp preparation certification to any person who holds an active license to practice medicine and surgery issued by the board and who makes written application for such certification on a form provided by the board and remits the fee established by K.S.A. 65-2852, and amendments thereto. The board shall require every holder of a medical hemp preparation certification, in writing, to acknowledge and agree to abide by the guidelines set forth in the Kansas board of healing arts policy statement regarding experimental treatments.

(b) The medical hemp preparation certification shall be canceled on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. Any certification issued under this section shall expire no later than one year after the date of issuance.

(c) The provisions of K.S.A. 65-2809, and amendments thereto, providing for notice of cancellation, cancellation, renewal and reinstatement of a license shall apply to any medical hemp preparation certification issued under this section.

(d) The board shall adopt rules and regulations as may be necessary to administer the provisions of this section.

(e) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 13. K.S.A. 2015 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors which shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the health care provider insurance availability act;

(B) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a health care provider;

(C) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including, but not limited to, the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year; and

(D) have the authority to grant temporary exemptions from the provisions of K.S.A. 40-3402 and 40-3404, and amendments thereto, to health care providers who have exceptional circumstances and verify in writing that the health care provider will not render professional services in this state during the period of exemption. Whenever the board grants such an exemption, the board shall notify the state agency which licenses the exempted health care provider.

(2) The board shall consist of 11 persons appointed by the commissioner of insurance, as provided by this subsection ~~(b)~~ and as follows:

(A) Three members who are licensed to practice medicine and surgery in Kansas who are doctors of medicine and who are on a list of nominees submitted to the commissioner by the Kansas medical society;

(B) three members who are representatives of Kansas hospitals and who are on a list of nominees submitted to the commissioner by the Kansas hospital association;

(C) two members who are licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine and who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine;

(D) one member who is licensed to practice chiropractic in Kansas and who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association;

(E) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists.

(F) one member who is a representative of adult care homes who is on a list of nominees submitted to the commissioner by statewide associations comprised of members who represent adult care homes.

(3) When a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of health care provider required for the vacant position on the board of governors. All appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the

commissioner shall notify the professional society or association which represents the category of health care provider required for the vacant position and request a list of three nominations of health care providers from which to make the appointment.

(4) The board of governors shall organize in July of each year and shall elect a chairperson and vice-chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(5) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(6) (A) The board shall appoint an executive director who shall be in the unclassified service under the Kansas civil service act and may employ attorneys and other employees who shall also be in the unclassified service under the Kansas civil service act. Such executive director, attorneys and other employees shall receive compensation fixed by the board, in accordance with appropriation acts of the legislature, not subject to approval of the governor.

(B) The board may provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the health care provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(7) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board;

(B) provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

(c) Except as otherwise provided by any other provision of this act, the fund shall be liable to pay:

(1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

(2) subject to the provisions of subsections (f) and (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsections (f) and (m), any amount due from a judgment or settlement against a resident inactive health care provider for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsections (f) and (m), any amount due from a judgment or settlement against a nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident

inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred;

(5) subject to ~~subsection (b)~~ of K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees, depositions, expert witnesses and other costs incurred in defending the fund against claims, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101, and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to ~~subsection (a)(3)~~ of K.S.A. 40-3413(a)(3), and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the health care provider insurance availability act;

(10) surcharge refunds payable when the notice of cancellation requirements of K.S.A. 40-3402, and amendments thereto, are met;

(11) subject to ~~subsection (b)~~ of K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider;

(12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine;

(13) subject to the provisions of K.S.A. 65-429, and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429, and amendments thereto;

(14) notwithstanding the provisions of subsection (m), any amount, but not less

than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in ~~paragraph (12) of this subsection (c)(12)~~, who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to ~~subsection (b) of K.S.A. 40-3411(b)~~, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in ~~paragraph (14) of this subsection (c)(14)~~;

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the health care provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the health care stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to ~~subsection (e) of K.S.A. 40-3403b(e)~~, and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each health care provider.

(f) In no event shall the fund be liable to pay in excess of the amounts specified in the option selected by an active or inactive health care provider pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such health care provider on or after July 1, 1989.

(g) A health care provider shall be deemed to have qualified for coverage under the fund:

- (1) On and after July 1, 1976, if basic coverage is then in effect;
- (2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or
- (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

(i) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, if the board of governors determines due to the number of claims filed against a health care provider or the outcome of those claims that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the health care provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the health care provider involved of the name of the health care provider and the reasons for the termination.

(j) (1) Subject to the provisions of ~~paragraph (7) of this subsection (j)(7)~~, upon the payment of moneys from the health care stabilization fund pursuant to subsection (c) (11), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to ~~paragraph (3) or (4) of this subsection (j)(3) or (4)~~, from the state general fund to the health care stabilization fund.

(2) Subject to the provisions of ~~paragraph (7) of this subsection (j)(7)~~, upon the payment of moneys from the health care stabilization fund pursuant to subsection (c) (12), the board of governors shall certify to the secretary of administration the amount of such payment which is equal to the basic coverage liability of self-insurers, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to ~~paragraph (3) or (4) of this subsection (j)(3) or (4)~~, from the state general fund to the health care stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in ~~subsection (c) of K.S.A. 40-3402(c)~~, and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the secretary of administration shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid,

an amount equal to the balance in such reserve fund.

(4) The graduate medical education administration reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$40,000 on July 1 of any year, the nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall remit the amount necessary to increase such balance to \$40,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine the secretary of administration shall transfer an amount equal to the amount paid from the graduate medical education administration reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(5) Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(14) or (c)(15), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(6) Transfers from the state general fund to the health care stabilization fund pursuant to subsection (j) shall not be subject to the provisions of K.S.A. 75-3722, and amendments thereto.

(7) The funds required to be transferred from the state general fund to the health care stabilization fund pursuant to ~~paragraphs (1) and (2) of this subsection (j)(1) and (2)~~ for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The secretary of administration shall maintain a record of the amounts certified by the board of governors pursuant to ~~paragraphs (1) and (2) of this subsection (j)(1) and (2)~~ for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers which are deferred pursuant to this paragraph shall be transferred from the state general fund to the health care stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2017, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.

(k) Notwithstanding any other provision of the health care provider insurance availability act, no psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, shall be assessed a premium surcharge or be entitled to coverage

under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404, and amendments thereto, prior to January 1, 1988.

(l) On or after July 1, 1989, every health care provider shall make an election to be covered by one of the following options provided in this subsection ~~(l)~~ which shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. Such election shall be made at the time the health care provider renews the basic coverage in effect on July 1, 1989, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The health care provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. The election of fund coverage limits for a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to be effective at the highest option. Such options shall be as follows:

(1) *OPTION 1.* The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

(2) *OPTION 2.* The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

(3) *OPTION 3.* The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such health care provider.

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive health care providers who first qualify as an inactive health care provider on or after July 1, 1989, unless such health care provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a health care provider has not been in compliance for five years, such health care provider may make application and payment for the coverage for the period while they are nonresident health care providers, nonresident self-insurers or resident or nonresident inactive health care providers to the fund. Such payment shall be

made within 30 days after the health care provider ceases being an active health care provider and shall be made in an amount determined by the board of governors to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any health care provider which becomes inactive through death or retirement, or through disability or circumstances beyond such health care provider's control, if such health care provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in compliance with the provisions of K.S.A. 40-3402, and amendments thereto. The provisions of this subsection shall expire on July 1, 2014.

(n) In the event of a claim against a health care provider for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider, the liability of the fund shall be limited to the amount of coverage selected by the health care provider at the time of the incident giving rise to the claim.

(o) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any health care provider based upon or relating to the health care provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the health care provider for damages resulting from the health care provider's sexual acts or activity.

(p) Notwithstanding any provision in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any healthcare provider based upon or relating to the healthcare provider issuing a written certification for a medical hemp preparation pursuant to Otis's law, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the healthcare provider for damages resulting from the healthcare provider issuing a written certification for a medical hemp preparation pursuant to Otis's law.

Sec. 14. K.S.A. 2015 Supp. 65-2852 is hereby amended to read as follows: 65-2852. The following fees shall be established by the board by rules and regulations and collected by the board:

- (a) For a license, issued upon the basis of an examination, in a sum of not more than \$300;
- (b) for a license, issued without examination and by endorsement, in a sum of not more than \$300;
- (c) for a license, issued upon a certificate from the national boards, in a sum of not more than \$300;
- (d) for the renewal of a license, the sum of not more than \$500;
- (e) for a temporary permit, in a sum of not more than \$60;
- (f) for an institutional license, in a sum of not more than \$300;
- (g) for a visiting professor temporary license, in a sum of not more than \$50;
- (h) for a certified statement from the board that a licensee is licensed in this state,

the sum of not more than \$30;

(i) for any copy of any license issued by the board, the sum of not more than \$30;

(j) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination;

(k) for application for and issuance of a special permit under K.S.A. 65-2811a, and amendments thereto, the sum of not more than \$60;

(l) for an exempt or inactive license or renewal of an exempt or inactive license, the sum of not more than \$150;

(m) for conversion of an exempt or inactive license to a license to practice the healing arts, the sum of not more than \$300;

(n) for reinstatement of a revoked license, in a sum of not more than \$1,000;

(o) for reinstatement of a canceled license, in a sum of not more than \$500;

(p) for a visiting clinical professor license, or renewal of a visiting clinical professor license, in a sum of not more than \$300;

(q) for a postgraduate permit in a sum of not more than \$60;

(r) for a limited permit or renewal of a limited permit, the sum of not more than \$60;

(s) for a written verification of any license or permit, the sum of not more than \$25;

(t) for a reentry active license or renewal of a reentry active license, the sum of not more than \$500; ~~and~~

(u) for a resident active license, the sum of not more than \$500; ~~and~~

(v) for a medical hemp preparation certification issued under section 12, and amendments thereto, the sum of not more than \$2,000 annually. The board shall review annually the costs associated with issuing such certifications and adjust the fee to cover the costs of administering the certification program, not to exceed \$2,000 annually.

Sec. 15. K.S.A. 2015 Supp. 40-3403 and 65-2852 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and"; in line 3, by striking "establishments"; in line 4, after "use" by inserting "; application of the health care provider insurance availability act; certification required to recommend medical hemp preparation treatments; certification requirements; amending K.S.A. 2015 Supp. 40-3403 and 65-2852 and repealing the existing sections";

And the bill be passed as amended.

**SB 495** be amended on page 1, in line 6, by striking the first "procedure" and inserting "delivery"; also in line 6, after "operation" by inserting "to deliver a living unborn child that is"; in line 12, by striking all before "delivery"; and the bill be passed as amended.

**HB 2571**, as amended by House Committee of the Whole, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** begs leave to submit the following report:

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

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Mark Uhlig, term expires March 15, 2020

Committee on **Ways and Means** recommends **SB 509** be amended on page 2,

following line 7, by inserting:

"(3) Notwithstanding the provisions of sections 52 and 53 of chapter 104 of the 2015 Session Laws of the Kansas, section 18 of 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 regular session of the legislature, the legislative budget committee may meet not more than 10 days to study and review such policies as determined by the chairperson of the committee."; and the bill be passed as amended.

### COMMITTEE OF THE WHOLE

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

On motion of Senator Arpke the following report was adopted:

**SB 436; HB 2518, HB 2549** be passed.

A motion by Senator Francisco to amend **SB 436** was withdrawn.

A second motion by Senator Francisco to amend **SB 436** failed.

**HB 2134** be amended by motion of Senator Longbine: on page 6, in line 18, by striking "statute book" and inserting "Kansas register";

And **HB 2134** be passed as amended.

**SB 437; HB 2456, HB 2502, HB 2547, HB 2610, HB 2617, HB 2696** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **HB 2502** failed.

The committee report on **HB 2156** recommending **S Sub HB 2156** be adopted, and the substitute bill be passed.

The committee report on **HB 2441** recommending **S Sub HB 2441** be adopted, and the substitute bill be passed.

The committee report on **HB 2059** recommending **S Sub HB 2059**, as amended be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2056** recommending **S Sub HB 2056**, as amended be adopted, and the substitute bill be passed as amended.

**HB 2632** be amended by the adoption of the committee amendments, be amended by motion of Senator Longbine: on page 2, in line 35, by striking "statute book" and inserting "Kansas register";

And **HB 2632** be passed as further amended.

**SB 363** be amended by the adoption of the committee amendments, be amended by motion of Senator O'Donnell: on page 17, in line 12, by striking all after "chiropractor"; in line 13, by striking all before "or"; in line 39, by striking "and"; in line 43, after "purposes" by inserting "; and

(10) any person licensed as a physical therapist when performing dry needling, trigger point therapy or services specifically authorized in accordance with the provisions of the physical therapy practice act";

And **SB 363** be passed as further amended.

**SB 439** be amended by the adoption of the committee amendments, be amended by motion of Senator Smith: on page 1, in line 7, before "For" by inserting "Justices of the supreme court may be removed from office by impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.";

On page 2, in line 5, before "For" by inserting "The governor and all other officers under the constitution of the state of Kansas shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.";

And **SB 439** be passed as further amended.

**SCR 1610** be adopted.

**SB 512** be amended by the adoption of the committee amendments.

**S Sub HB 2509** be passed over and retain a place on the calendar.

### CHANGE OF REFERENCE

Senator Denning moved **SB 512** be rereferred to the Committee on **Ways and Means**. The motion carried.

### MESSAGE FROM THE HOUSE

Announcing passage of **SB 245**, as amended by **H Sub SB 245**.

The House nonconcurrs in Senate amendments to **HB 2480**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2490**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 255** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 367** and has appointed Representatives Gonzalez, Finch and Highberger as conferees on the part of the House.

Announcing the appointment of Representatives Ryckman, Jr., Schwartz and Henry to replace Representatives Brunk, Couture-Lovelady and Tietze as conferees on **HB 2268**.

The House acceded to the request of the Senate for a conference on **SB 318** and has appointed Representatives Hedke, Corbet and Kuether as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2008**, and requests a conference and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2112**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2151**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2163**, requests a conference and has appointed Representatives Huebert, Phillips and Alcalá as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2164**, requests a conference and has appointed Representatives Huebert, Phillips and Alcalá as conferees on the part of

the House.

The House nonconcurrs in Senate amendments to **HB 2462**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2501**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2446**, requests a conference and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2447**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2437**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2522**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2545**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2563**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2615**, requests a conference and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2622**, requests a conference and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Denning the Senate nonconcurred in the House amendments to **H Sub SB 249** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **H Sub SB 245** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

#### **ORIGINAL MOTION**

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2008**.

The Vice President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2622**.

The Vice President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2151**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2112**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2446**.

The Vice President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2615**.

The Vice President appointed Senators O'Donnell, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2473**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2522**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2563**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2163**.

The Vice President appointed Senators Pyle, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2164**.

The Vice President appointed Senators Pyle, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2447**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2462**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the

part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2545**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2501**.

The Vice President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

#### **REPORT ON ENROLLED BILLS**

**SB 358** reported correctly enrolled, properly signed and presented to the Governor on March 21, 2016.

**SR 1781, SR 1782, SR 1783** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 21, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, March 22, 2016.

# Journal of the Senate

FORTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 22, 2016, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You have privileged us to be citizens of this amazing country, and further privileged us to be in Kansas, in the heart of this nation, where history reveals that much has been achieved to benefit the whole. During this Easter week, Jesus' death and resurrection from the dead, is the focus. So, Lord, in tune with that, are there things that are good for us and this country, that have died, or are even in a comatose state? Let the things that need to be revived in this country, begin with us...Love for one another, regardless of who they are; patience with those who think and act unseemly; kindness and gentleness toward others, even when they get on our last nerve. You said in Galatians 5:23 that there is no law against these things. So, Lord, let the resurrection of those qualities begin right here, with me. I pray in the name of Jesus, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 514**, AN ACT concerning education; relating to the classroom learning assuring student success act; relating to tax levies for ancillary school facilities; amending K.S.A. 2015 Supp. 72-6474 and repealing the existing section, by Committee on Ways and Means.

**SB 515**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning assuring student success act; amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6476, 72-6481 and 74-4939a and repealing the existing sections, by Committee on Ways and Means.

**SB 516**, AN ACT concerning campaign finance; prohibiting certain contributions by contractors with public entities, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2576**, **HB 2595**.

**CHANGE OF REFERENCE**

The President withdrew **HB 2660** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

**MESSAGES FROM THE GOVERNOR**

**SB 312, SB 334, SB 376** approved on March 21, 2016.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Petersen moved the Senate concur in House amendments to **H Sub SB 245**.

**H Sub SB 245**, AN ACT concerning memorial signs; relating to a DUI memorial signage program; enacting the Kyle Thornburg and Kylie Jobe believe act; duties of the secretary of transportation.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 363**, AN ACT concerning the state board of healing arts; relating to powers, duties and functions; licensure of acupuncturists; regulation of physical therapists; physical therapy scope of practice; amending K.S.A. 2015 Supp. 65-2872, 65-2901 and 65-2913 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed, as amended.

Upon the showing of five hands a Call of the Senate was requested.

**SB 436**, AN ACT concerning public health; relating to funding of entities that provide family planning services, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed.

The Call was lifted.

Upon the showing of five hands a Call of the Senate was requested.

**SB 437**, AN ACT concerning healthcare; relating to withholding life-sustaining treatment from patients under 18 years of age; permission requirements and exceptions; dispute resolution, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn.

Nays: Francisco, Kelly, Pettey.

The bill passed, as amended.

The Call was lifted.

#### EXPLANATION OF VOTE

Madam President: I voted "No" on **SB 437**, not because I don't agree with the intent of the bill, but because it is fraught with unintended consequences. The bill was rushed through committee with little opportunity for certain stakeholders to testify or offer amendments that could have resulted in a bill that would work for all concerned. It is my hope that consensus can be reached when or if the bill moves to the House or Conference Committee.—LAURA KELLY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Kelly on **SB 437**.

Madam President: **SB 437**, Simon's Law, is legislation brought forth by grieving parents, who found that Do Not Resuscitate orders had been placed in the medical charts of their special needs children, without their knowledge or consent. Infant Simon Crosier, and other children unfairly deemed to lack "quality of life," died in medical facilities where the parents had assumed their children would be given life-sustaining treatment without bias. These are compelling, tragic stories unrebuted by any opposition testimony, including any defense from the medical community. With the escalating threat of rationed health care, Simon's Law is necessary to insure that parental rights and vulnerable Kansas children are protected in the future. I vote "Aye."—JACOB LATURNER

Senator Baumgardner requests the record to show she concurs with the "Explanation of Vote" offered by Senator LaTurner.

Upon the showing of five hands a Call of the Senate was requested.

**SB 439**, AN ACT concerning impeachment; relating to other high crimes and misdemeanors; justices of the supreme court and constitutional officers of the executive department, was considered on final action.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Fitzgerald, Holmes, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Longbine, McGinn, O'Donnell, Pettey, V. Schmidt, Wilborn, Wolf.

The bill passed, as amended.

The Call was lifted

#### EXPLANATION OF VOTE

Madam President: I vote “No” on **SB 439**. Not only does this bill attempt to change the constitution without going through the required amendment process, it violates the separation of powers by subjecting justices to impeachment for vague, subjective, and political reasons. Allowing impeachment for ideological or political differences of opinion would completely undermine the independence of courts and the public’s confidence in their rulings. The intent behind this bill is to intimidate supreme court justices. The bill as introduced applied only to the judicial branch and committee amendments applying it to other executive branch officers are a smokescreen. There is no reason to modify the impeachment process or define in statute “high crimes and misdemeanors” to direct the Kansas House in its duties to impeach either supreme court justices or executive branch officers. The purpose of **SB 439** is to place inappropriate pressure on the judicial branch to make decisions according to legislative dictates.—

ANTHONY HENSLEY

Senators Hawk, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 439**.

Madam President: Alexander Hamilton said “Laws are a dead letter without courts to expound and define their true meaning and operation”. **SB 439** blatantly seeks to muzzle our Kansas Supreme Court, thereby compromising its ability to freely interpret and serve as the final arbiter of Kansas laws. I vote “No” on **SB 439**.—TOM HOLLAND

Senators Francisco, Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 439**.

Madam President: Power corrupts, absolute power corrupts absolutely. When officials are allowed to have absolute power, we run a real risk to our democratic processes. We live in an era when people believe that independence of the courts and absolute power are synonymous. The authors of the United States and Kansas constitutions did not equate independence with absolute power. **SB 439** is a compilation of grounds for impeachment as expressed by the Founders of the United States constitution, and also from actual impeachment investigations at both the federal and state level. There is nothing new in **SB 439**. We have several recent examples of judicial activism. For example: disregarding the letter and spirit of the law, inconsistent application of principles in related cases, overturning the will of the people (marriage amendment), favoring partisan candidates for office, hosting a partisan fundraiser in the home of a Supreme Court justice against an explicit prohibition in the constitution. It’s time we revisit the fundamentals of our constitutional form of government and re-establish checks and balances on all 3 branches of government. “We the People” will have no recourse against a branch with absolute power.—MITCH HOLMES

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **SB 439**.

Madam President: A phrase that has lost meaning in the 21st century – “High Crimes and Misdemeanors” – is defined in **SB 439** using the meaning that the founders of our United States and Kansas Constitutions understood. High crimes are those breaches of duty committed by public officials because they violate the fiduciary responsibility of their high office to the people of the state of Kansas – they are not necessarily criminal acts nor do they have to be. This bill clarifies the checks and balances of the branches of Kansas government. I vote “Aye.”—GREG SMITH

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **SB 439**.

**SCR 1610**, A CONCURRENT RESOLUTION reaffirming 10th Amendment rights, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley.

The resolution was adopted.

**S Sub HB 2056**, AN ACT concerning bail enforcement agents; relating to licensure by the attorney general; sureties and bail agents; amending K.S.A. 22-2806 and K.S.A. 2015 Supp. 12-4516, 21-6614 and 22-2809a and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Fitzgerald, Pilcher-Cook.

The substitute bill passed, as amended.

Upon the showing of five hands a Call of the Senate was requested.

**S Sub HB 2059**, AN ACT concerning water; relating to applications to appropriate; amending K.S.A. 2015 Supp. 82a-708a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Love, Masterson, O'Donnell, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Denning, Francisco, Haley, Holland, Kelly, Longbine, Lynn, McGinn, Melcher, Olson, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Tyson, Wolf.

The substitute bill passed, as amended.

The Call was lifted.

## EXPLANATION OF VOTE

Madam President: Water challenges are facing communities and regions across the United States, impacting millions of lives and costing billions of dollars in damages. Recent events – including record-breaking drought in the West, severe flooding in the Southeast and the water quality crisis in Flint, Michigan – have elevated a national dialogue on the state of our Nation's water resources and infrastructure. I vote "Yes" on **S Sub HB 2059**.—LARRY POWELL

Senator Kerschen requests the record to show he concurs with the "Explanation of Vote" offered by Senator Powell on **S Sub HB 2059**.

**HB 2134**, AN ACT concerning consumer credit; relating to security freezes on protected consumer reports; amending K.S.A. 2015 Supp. 50-702 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2156**, AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 2015 Supp. 74-506d, 75-2935 and 82a-303b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pyle, Tyson.

The substitute bill passed.

**S Sub HB 2441**, AN ACT concerning education; creating a language assessment program for children who are deaf or hard of hearing, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**HB 2456**, AN ACT enacting the interstate medical licensure compact, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2502**, AN ACT concerning civil procedure; relating to habeas corpus; time limitations in motion to attack sentence; amending K.S.A. 60-1507 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2518**, AN ACT concerning vital statistics; relating to electronic filing of death certificates and related documentation; amending K.S.A. 2015 Supp. 65-2412 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed.

**HB 2547**, AN ACT concerning wildlife, parks and tourism; relating to wildlife; the mined land wildlife area; nongame and endangered species act; amending K.S.A. 32-960a and 32-961 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner.

The bill passed, as amended.

**HB 2549**, AN ACT concerning law enforcement; relating to requests for law enforcement assistance from jurisdictions located outside the state of Kansas, but within the United States, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Denning, Melcher, Pilcher-Cook, Tyson.

The bill passed.

**HB 2610**, AN ACT designating the junction of interstate highway 70 and commerce parkway in Ellis county as the chief warrant officer 5 David Carter fallen veterans memorial interchange; a portion of U.S. highway 400 as the John Troy, Pete Hughes and Earl Seifert highway; the junction of interstate highway 235 and central avenue in Sedgwick county as the Captain Chris Norgren memorial interchange; a portion of K-148 as the SGT Lavern W Tegtmeier memorial highway, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2617**, AN ACT concerning workers compensation; relating to compensation disallowances for substance abuse testing; eligibility for certain disability compensation; medical administrator; electronic filing for administrative hearings; records disclosure; amending K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-501, 44-510e, 44-510i and 44-550b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2632**, AN ACT concerning the pooled money investment board; establishing the board as a separate state agency and eliminating certain administrative and budgetary duties relating to the board from the state treasurer; amending K.S.A. 2015 Supp. 75-4222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2696**, AN ACT concerning law enforcement; relating to university police officers; jurisdiction; amending K.S.A. 2015 Supp. 22-2401a and 76-726 and repealing

the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Tyson.

The bill passed, as amended.

### ORIGINAL MOTION

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **HB 2480**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Love, the Senate acceded to the request of the House for a conference on **HB 2490**.

The President appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m..

### AFTERNOON SESSION

### MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2054; HB 2471, HB 2483, HB 2553, HB 2665, HB 2724, HB 2739**.

Announcing adoption of **HCR 5022**.

Announcing passage of **SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459, SB 484, SB 485**.

Announcing passage of **SB 99**, as amended; **Sub SB 323**, as amended.

Announcing passage of **SB 326**, as amended; **SB 366**, as amended; **SB 373**, as amended; **SB 387**, as amended; **SB 388**, as amended; **SB 418**, as amended;

Announcing passage of **SB 63**, as amended by **H Sub SB 63; SB 149**, as amended by **H Sub SB 149; SB 168**, as amended by **H Sub SB 168; SB 227**, as amended by **H Sub SB 227; SB 402**, as amended by **H Sub SB 402**.

The House concurs in Senate amendments to **HB 2131**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **Sub HB 2062**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 245** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 249** and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**Sub HB 2054; HB 2471, HB 2483, HB 2553, HB 2665, HB 2724, HB 2739; HCR 5022** were thereupon introduced and read by title.

#### ORIGINAL MOTIONS

Citing Rule 54, Senator Holland motioned to advance **SCR 1612** above the line to first order of business.

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

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, McGinn, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Masterson, Melcher, Ostmeyer, Powell, Smith, Tyson, Wagle, Wilborn.

Failing to reach a required 2/3 majority, the motion failed.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Longbine the following report was adopted:

**SB 353** be passed.

**SB 359; HB 2436, HB 2460, HB 2463; Sub HB 2289** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **Sub HB 2289** failed.

The committee report on **HB 2018** recommending **S Sub HB 2018** be adopted, and the substitute bill be passed.

The committee report on **HB 2088** recommending **S Sub HB 2088** be adopted, be amended by motion of Senator LaTurner: on page 1, by striking all in lines 6 through 17;

On page 7, in line 16, by striking "7" and inserting "6"; in line 20, by striking "7" and inserting "6";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "13-907,"; in line 3, after "sections" by inserting "; also repealing K.S.A. 13-907".

A motion by Senator King to further amend **S Sub HB 2088** failed.

**S Sub HB 2088** be further amended by motion of Senator Melcher, on page 6, in line 22, after the semicolon by inserting "or"; in line 23, by striking all after "tax"; by striking all in lines 24 and 25; in line 26, by striking all before the period.

A motion by Senator Holmes to further amend **S Sub HB 2088** failed.

**S Sub HB 2088** be further amended by motion of Senator McGinn: on page 6, in line 36, by striking the second "or"; in line 41, after "emergency" by inserting "; or

(F) increased costs above the consumer price index for law enforcement, fire protection or emergency medical services"

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

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Longbine, Love, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wilborn, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Fitzgerald, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Present and Passing: Donovan.

**S Sub HB 2088** be further amended by motion of Senator Melcher: on page 6, in line 22, after the semicolon by inserting "or"; by striking all in line 23.

A motion by Senator Hawk to further amend **S Sub HB 2088** failed and the following amendment was rejected: on page 6, in line 36, by striking the second "or"; in line 41, after "emergency" by inserting "; or

(F) expenditures incurred by a city or county for the construction, maintenance, repair or reconstruction of infrastructure related to a public facility which involves an initial expenditure of more than \$300 million by a public entity".

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

On roll call, the vote was: Yeas 11; Nays 24; Present and Passing 5; Absent or Not Voting 0.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Donovan, McGinn, Petersen, V. Schmidt, Wolf.

A motion by Senator Hensley to further amend **S Sub HB 2088** failed and the following amendment was rejected: on page 5, in line 40, by striking all after the first "resolution"; by striking all in line 41; in line 42, by striking all before the period; also in line 42, after the period by inserting "The resolution shall be published in the official city or county newspaper, respectively, once each week for two consecutive weeks. The resolution shall take effect within 45 days of the final publication unless a petition signed by not less than 2% of the qualified electors of the city who voted in the last preceding city election or not less than 2% of the qualified electors of the county who voted at the last preceding November election is filed with the county election officer demanding the resolution be submitted to a vote of the electors. An election, if called, shall be held as provided in paragraph (2). If voters approve the resolution, the property tax increase shall be levied."

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

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald,

Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

A motion by Senator Holland to further amend **S Sub HB 2088** failed.

**S Sub HB 2088** be further amended by motion of Senator LaTurner: on page 6, in line 42, after "(3)" by inserting "Any increased property tax revenues generated for law enforcement, fire protection or emergency medical services shall be expended exclusively for these purposes but shall not be used for the construction or remodeling of buildings.

(4) ";

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

And **S Sub HB 2088** be passed as amended.

An amendment was offered by Senator O'Donnell on **S Sub HB 2088**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Hawk to amend **S Sub HB 2088** was withdrawn.

The committee report on **HB 2509** recommending **S Sub HB 2509** be adopted, be amended by motion of Senator Olson, on page 5, in line 24, by striking "5%" and inserting "1%";

And **S Sub HB 2509** be passed as amended.

### ORIGINAL MOTION

Senator Bruce moved the Senate reconsider its action on **S Sub HB 2018**. The motion carried and the bill was returned to to the **Calendar** under the heading of **General Orders**.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 353** was advanced to Final Action and roll call.

**SB 353**, AN ACT concerning property taxation; relating to exemptions; allowing county appraisers to exempt certain federal property without order of the board of tax appeals; amending K.S.A. 2015 Supp. 79-213 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 359**, AN ACT concerning property taxation; relating to county appraisers; market study analysis; persons eligible to be appointed to office of appraiser, removal; amending K.S.A. 19-432 and 79-1460a and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2088**, AN ACT concerning property taxation; amending K.S.A. 13-907, 79-1466 and 79-1467 and K.S.A. 2015 Supp. 79-5a27, 79-1801 and 79-2925b and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, King, Longbine, McGinn, Ostmeyer, Pettey, V. Schmidt, Wolf.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub HB 2088**. The Kansas Legislature approved a property tax lid last year, and while this bill may seek to improve on what was passed last year, it is not at all clear that it does that. I am concerned that several good amendments that were offered failed to get on this bill. This legislature should accommodate cities and counties that are taking on expenditures for a significant public facility that stands to benefit the entire state, especially true in the case of the National Bio and Agro-Defense Facility. We should also be mindful of the extra expense we are adding with the requirement for an election, an expense that could be avoided in some cases if a petition was used to trigger such elections. Most importantly there has been no schedule established that gives a clear timeline for municipalities to consider the current year's property tax estimates, propose a budget and hold an election that would allow them to coordinate with an otherwise regularly scheduled elections, again, important in saving taxpayer dollars.—MARCI FRANCISCO

Senators Hawk, Hensley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub HB 2088**.

Madam President: This legislation treats abated commercial property coming back onto the tax rolls differently than new unabated construction, thus shifting the costs of commercial infrastructure onto residential property owners. This legislation would also create significant financial uncertainty for communities planning both needed infrastructure projects as well as future development initiatives. I vote "no" on **S Sub HB 2088**.—TOM HOLLAND

Senators Francisco and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **S Sub HB 2088**.

Madam President: The people of Kansas have long supported the concept of "local control" under which local citizens make the decisions that impact their communities. Decisions are made best by the policy makers closest to the voters. **S Sub HB 2088** usurps the decisions of locally elected leaders. Kansas voters already cast ballots to elect leaders whom they believe will make decisions with the best interests of their

communities and tax dollars in mind. If local elected officials make tax decisions that meet with disapproval, the voters can remove them from office. We need to put our own house in order and leave it to our local officials to do the job they were elected to do. Madam President, I vote "No" on **S Sub HB 2088**.—LAURA KELLY

Senators Faust-Goudeau, Francisco, Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **S Sub HB 2088**.

Madam President: I support Kansans having a direct vote on their property taxes. I voted for it as a member of the Kansas House. I voted for it last year in the Kansas Senate. Kansas already has a tax lid because of that vote. My vote on **HB 2088** is not against that tax lid. It is a vote against a bill that changes the tax lid to harm my Senate district. The people of Montgomery County have suffered for years from the valuation fight between the county and Coffeyville Resources. The current tax lid protects against layoffs and other dramatic consequences that would result if Montgomery County loses that fight. **S Sub HB 2088** eliminates those protections. I trust the voters of Montgomery County. I trust the voters of southeast Kansas. **S Sub HB 2088** does not. For that reason, I vote "No."—JEFF KING

Madam President: This is a great day for the people of Kansas and this body. Increasing property taxes at the rate of inflation should be sufficient to maintain quality service to the citizens but in the rare circumstance that it is not, the people will get to vote. The people of Kansas are smart, attentive, and capable and should be given the right to vote on property taxes. I trust the people of Kansas and am proud to support this bill. I vote "Aye" on **S Sub HB 2088**.—JACOB LATURNER

Senators Baumgardner, Lynn, O'Donnell and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator LaTurner on **S Sub HB 2088**.

Madam President: The one thing taxpayers dislike more than paying taxes is incorrect tax information. This bill makes it nearly impossible for city and counties to meet the timeline for notice with accurate information. Funding discretion and flexibility are key components of effective local fiscal management, and local officials are best situated to respond to growth in a timely manner and make necessary investments in the future of their communities. This tax policy does not meet the needs of our communities. I vote "No" on **S Sub HB 2088**.—PAT PETTEY

Senators Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2088**.

**Sub HB 2289**, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; test refusal or failure; suspension of license; administrative hearing; procedure; amending K.S.A. 2015 Supp. 8-1002 and 8-1020 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed, as amended.

**HB 2436**, AN ACT concerning motor vehicles; relating to drivers' licenses, examinations, motorcycles; amending K.S.A. 2015 Supp. 8-240 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2460**, AN ACT concerning the Kansas offender registration act; regarding violations of the act; amending K.S.A. 2015 Supp. 22-4903 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**HB 2463**, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; juvenile adjudications; probation and postrelease supervision; violation sanctions; amending K.S.A. 2015 Supp. 21-6810, 21-6811 and 22-3716 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**S Sub HB 2509**, AN ACT concerning the department of commerce; relating to administrative cost recovery fees for department-administered community finance, economic development and tax incentive programs; amending K.S.A. 74-5060 and K.S.A. 2015 Supp. 12-17,164 and 74-50,150 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed, as amended.

#### **MESSAGE FROM THE HOUSE**

The House nonconcurrs in Senate amendments to **S Sub HB 2056**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2059**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2134**, requests a conference and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2156**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2441**, requests a conference and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2456**, requests a conference and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2502**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2547**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2610**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2617**, requests a conference and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2632**, requests a conference and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2696**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

#### **ORIGINAL MOTION**

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2062**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 63** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **Sub SB 99** and requested a conference committee be appointed.

The President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 149** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 168** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 227** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **Sub SB 323** and requested a conference committee be appointed.

The President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 366** and requested a conference committee be appointed.

The President appointed Senators Lynn, Wagle and Holland as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 373** and requested a conference committee be appointed.

The President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 387** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 388** and requested a conference committee be appointed.

The President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 402** and requested a conference committee be appointed.

The President appointed Senators O'Donnell, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 418** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

### REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 456** be amended on page 1, in line 9, by striking all after "after"; in line 10, by striking all before the semicolon and inserting "notifying the adult care home of the resident's intent to conduct electronic monitoring"; in line 11, after "means" by inserting "a surveillance instrument used to broadcast or record activity or sound occurring in a room, including"; in line 15, by striking all after "(b)"; in line 16, by striking all before "to" and inserting "A resident shall be permitted"; in line 20, after "person" by inserting "or otherwise retaliate against a resident or person"; also in line 20, by striking "a request to conduct" and inserting "conducting or consenting to"; in line 23, by striking "make a request to" and inserting "notify";

On page 2, in line 5, by striking "and"; in line 7, after "device" by inserting: "

(3) making reasonable accommodations and exhausting all reasonable options if a resident in a multi-resident room wishes to conduct electronic monitoring pursuant to this section and the resident or residents with whom the resident shares the room do not consent to the monitoring, including offering to move the resident who wishes to conduct electronic monitoring to another shared room which is available or becomes available; and

(4) making reasonable accommodations and exhausting all reasonable options if a resident wishes to conduct electronic monitoring and another resident begins residing in the multi-resident room who does not consent to the monitoring before moving the resident wishing to conduct electronic monitoring";

Also on page 2, in line 11, by striking "(1)"; by striking all in lines 15 through 18; in line 33, after "(6)" by inserting "restrictions that a resident may elect to place on electronic monitoring conducted in the resident's room, including, but not limited to:

(A) Prohibiting video recording;

(B) prohibiting audio recording;

(C) turning off the device or blocking the visual recording component of the device during an exam or procedure administered by a healthcare professional;

(D) turning off the device or blocking the visual recording component of the device while the resident is dressing or bathing; or

(E) turning off the device or blocking the visual recording component of the device during a resident's visit with a spiritual advisor, ombudsman, attorney, financial planner, intimate partner or other visitor; and

(7)";

Also on page 2, in line 35, after "(i)" by inserting "Any electronic monitoring device installed or operated pursuant to this section shall comply with the requirements of the national fire protection association 101 life safety code, or other standards determined by the secretary for aging and disability as having substantially equivalent requirements.

(j) (1) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, an electronic monitoring device installed in a resident's room in accordance with this section.

(2) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, a video or audio recording obtained in accordance with this section.

(3) (A) Any person who violates this subsection shall be guilty of a class B nonperson misdemeanor.

(B) Any person who violates this subsection with the intent to commit or conceal the commission of a misdemeanor offense shall be guilty of a class A nonperson misdemeanor.

(C) Any person who violates this subsection with the intent to commit or conceal the commission of a felony offense shall be guilty of a severity level 4, nonperson felony.

(k)"; and the bill be passed as amended.

Committee on **Public Health and Welfare** begs leave to submit the following report:

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

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Robba Moran, term expires March 15, 2018

#### **REPORT ON ENROLLED BILLS**

**SB 329, SB 330, SB 412** reported correctly enrolled, properly signed and presented to the Governor on March 22, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, March 23, 2016.

# Journal of the Senate

FORTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 23, 2016, 10:00 a.m.

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

Heavenly Father, we take two or three minutes, at the beginning of each session, to pause and talk to You. Then we take hour after hour to talk among ourselves and with each other. When Lord, the most beneficial talking we can do, is talking with You. And You said in 1 Thessalonians 5:17, that we should always be doing that. Let this prayer be the raising of our antennae...the logging on to Your internet, that at a moment's notice, no matter what we're engaged in, we'll be ready to receive from You. Let this opening be a prayer seed, to germinate and blossom into something continual...for we need to frequently talk TO You and regularly hear FROM You...that we might be guided BY You, all throughout the day. If and when we get disconnected, Lord, shut us down and give us a reboot. Let all that we do be done prayerfully. Let us now Lord, turn to those in Brussels and all across the land, both here and abroad, both victims and offenders. We ask for help, healing and wisdom for the victims and their responders. Then we ask, Master, for You to open the blinded eyes of the wrongdoers...of the misled...of the deceived; those, who in their confusion, call evil good and call good evil. Like those persons, trapped by a cave-in, down in a mine, who didn't know they were blind, until the light was turned on, turn on the light of Your truth, so that those who have been trapped in blindness, may come to know it and be enlightened. Let this be to the good and glory of Your name on this earth. I come to You in the precious name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2665**.

Federal and State Affairs: **HCR 5022**.

Judiciary: **Sub HB 2054; HB 2553**.

Public Health and Welfare: **HB 2471**.

Ways and Means: **SB 514, SB 515; HB 2483, HB 2724, HB 2739**.

To Be Referred: **SB 516**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Haley and Pettey introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1784—

A RESOLUTION congratulating and commending the 2015-2016

Kansas City Kansas Community College Women's Basketball team on winning the 2016 National Junior College Athletic Association Division II Championship.

WHEREAS, The 2015-2016 Kansas City Kansas Community College (KCKCC) Women's Basketball team, the Lady Blue Devils, won the 2016 National Junior College Athletic Association (NJCAA) Division II Championship by beating Illinois Central with an 81-59 victory at Cavalier Gymnasium, Overland Park, Kansas, on March 19, 2016. The win marks the first time in KCKCC's history to win the Championship; and

WHEREAS, The 2016 NJCAA Division Champions are: Erin Anderson, Brooklyn Bockover, Aricca Daye, Ky'Ana French, Whitney Hazlett, Janay Jacobs, Kylie Jarrett, Cheyenne North, Sierra Roberts, Nimo Samana, Valencia Scott, Millie Shade, Brie Tauai and Brooklyn Wagler; and

WHEREAS, The head coach is Joe McKinstry and the assistant coaches are Chamissa Anderson and Dawn Adams; and

WHEREAS, The Lady Blue Devils were powered by a balanced offense that saw five players score in double figures, with Sierra Roberts leading the way with a game high of 16 points. Brooklyn Wagler tallied 15 points, while Cheyenne North and Erin Anderson each finished with 14 points. Brie Tauai came off the bench to chip in 11 points; and

WHEREAS, The Lady Blue Devils shot 46.2% from the field and converted 40% of their attempts from three-point distance. The team also controlled the boards as they out-rebounded Illinois Central 48-34, with Cheyenne North leading all players with 16 rebounds and Brooklyn Wagler finishing with 10 rebounds; and

WHEREAS, The only time the Lady Blue Devils trailed in the game was at the 9:42 mark of the first quarter. After surrendering the first basket of the game, the Lady Blue Devils never looked back, as they charged forward with a 12-2 point run; and

WHEREAS, The Lady Blue Devils kept the momentum into the second half and added a stifling defense to the mix, as they outscored Illinois Central 21-7 in the quarter, with the trio of Anderson, North and Roberts contributing 14 points in the period; and

WHEREAS, Despite a better second half from Illinois Central, the Lady Blue Devils maintained their advantage for the remainder of the contest, eventually pushing their lead to as much as 24 points down the stretch; and

WHEREAS, Cheyenne North was named the tournament's Most Valuable Player, Coach Joe McKinstry was named the Coach of the Tournament and Erin Anderson and Brooklyn Wagler were named to the All-Tournament Team: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the 2015-2016 Kansas City Kansas Community College Women's Basketball team on winning the 2016 National Junior College Athletic Association Division II Championship; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Senators Haley and Pettey.

On emergency motion of Senator Pettey **SR 1784** was adopted by voice vote.

Senators honored team members, coaches and other guests with a standing ovation.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Storytime Village, Inc. Literacy Day at the Capitol, as well as the organizers of the event. The goal of Storytime Village, Inc. is to inspire a lifelong love of reading for underserved Kansas children from birth to age 8.

Guests introduced were Prisca Barnes, Dr. Beryl New, Rose Palmer and Kenya Cox.

Senators honored the guests with a standing ovation.

#### **ORIGINAL MOTION**

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2056**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2059**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2134**.

The President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2156**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2441**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2456**.

The President appointed Senators O'Donnell, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2502**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2547**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2610**.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2617**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2632**.

The President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2696**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Baumgardner as a member of the Conference Committee on **S Sub HB 2008** to replace Senator Arpke.

The President announced the appointment of Senator Baumgardner as a member of the Conference Committee on **HB 2622** to replace Senator Arpke.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

#### **MESSAGES FROM THE GOVERNOR**

**SB 175** approved on March 22, 2016.

**H Sub SB 245** approved on March 23, 2016.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Longbine as a member of the Conference Committee on **H Sub SB 168** to replace Senator Smith.

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **H Sub SB 168** to replace Senator Haley.

The President announced the appointment of Senator Arpke as a member of the Conference Committee on **S Sub HB 2008** to replace Senator Baumgardner.

The President announced the appointment of Senator Arpke as a member of the Conference Committee on **HB 2622** to replace Senator Baumgardner.

#### **COMMITTEE OF THE WHOLE**

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

On motion of Senator LaTurner the following report was adopted:

**SB 480** be passed.

**SB 424, SB 509** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 469** be amended by the adoption of the committee amendments, be further amended by motion of Senator Baumgardner: on page 1, in line 12, after "(b)" by inserting "(1)"; following line 16, by inserting:

"(2) For purposes of administering such elections on a staggered basis, the secretary shall organize all boards of education into three groups and assign the year 2017, 2018 or 2019 to each group. On or before August 1, 2016, the secretary shall advise all boards of education and professional employees' organizations of the group designation and the year of their first triennial elections."

**SB 469** be further amended by motion of Senator Baumgardner: on page 1, in line 23, by striking all after the comma; in line 24, by striking all before "the"; in line 26, after the period by inserting "If no election is held within the time period required under subsection (b), the secretary shall cause an election to be held pursuant to subsection (b) the following year."

**SB 469** be further amended by motion of Senator Baumgardner: on page 1, in line 19, by striking "all" and inserting "votes cast by"; in line 22, by striking "all" and inserting "votes cast by".

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

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, LaTurner, Longbine, Love, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Smith, Wilborn, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Holmes, Kerschen, Knox, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

**SB 469** be further amended by motion of Senator Pettey: on page 2, in line 25, by striking "seven" and inserting "14";

And **SB 469** be passed as further amended.

A motion by Senator Holland to amend **SB 469** failed.

Two motions by Senator Pettey to amend **SB 469** failed.

The committee report on **SB 462** recommending **Sub SB 462** be adopted, and the substitute bill be passed.

The committee report on **HB 2018** recommending a **Sub HB 2018** as reported in Senate Journal March 22, 2016 on page 2170 be amended by motion of Senator Schmidt: on page 13, in line 28, before the first "in" by inserting "(synthetic)";

On page 1, in the title, in line 3, by striking the second "and" and inserting a comma

**S Sub HB 2018** be further amended by motion of Senator O'Donnell: on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 65-2837a is hereby amended to read as follows: 65-2837a. (a) It shall be unlawful for any person licensed to practice medicine and surgery to prescribe, order, dispense, administer, sell, supply or give or for a mid-level practitioner as defined in ~~subsection (ii) of K.S.A. 65-1626(ii)~~, and amendments thereto, to prescribe, administer, supply or give any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, except as provided in this section. Failure to comply with this section by a licensee shall constitute unprofessional conduct under K.S.A. 65-2837, and amendments thereto.

(b) When any licensee prescribes, orders, dispenses, administers, sells, supplies or gives or when any mid-level practitioner as defined in ~~subsection (ii)~~ of K.S.A. 65-1626(ii), and amendments thereto, prescribes, administers, sells, supplies or gives any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, the patient's medical record shall adequately document the purpose for which the drug is being given. Such purpose shall be restricted to one or more of the following:

- (1) The treatment of narcolepsy.
- (2) The treatment of drug-induced brain dysfunction.
- (3) The treatment of hyperkinesia attention-deficit/hyperactivity disorder.
- (4) The differential diagnostic psychiatric evaluation of depression.
- (5) The treatment of depression shown by adequate medical records and documentation to be unresponsive to other forms of treatment.
- (6) The clinical investigation of the effects of such drugs or compounds, in which case, before the investigation is begun, the licensee shall, in addition to other requirements of applicable laws, apply for and obtain approval of the investigation from the board of healing arts.

(7) The treatment of obesity with controlled substances, as may be defined by rules and regulations adopted by the board of healing arts.

(8) The treatment of binge eating disorder.

(9) The treatment of any other disorder or disease for which such drugs or compounds have been found to be safe and effective by competent scientific research which findings have been generally accepted by the scientific community, in which case, the licensee before prescribing, ordering, dispensing, administering, selling, supplying or giving the drug or compound for a particular condition, or the licensee before authorizing a mid-level practitioner to prescribe the drug or compound for a particular condition, shall obtain a determination from the board of healing arts that the drug or compound can be used for that particular condition.";

On page 18, in line 15, after "Supp." by inserting "65-2837a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "controlled substances; relating to"; also in line 1, by striking all after the semicolon; in line 2, after the semicolon by inserting "prescriptions of amphetamines,"; in line 3, after "Supp." by inserting "65-2837a,"; also in line 3, by striking the second "and" and inserting a comma;

And **S Sub HB 2018** be passed as amended.

The committee report on **SB 356** recommending **Sub SB 356** be adopted, be amended by motion of Senator Tyson: on page 2, in line 10, after "(1)" by inserting "(A)"; in line 11, after "(d)" by inserting "(1) Subject to paragraph (2),"; in line 16, by striking "(1)" and inserting "(A)"; in line 20, by striking "(2)" and inserting "(B)"; in line 23, by striking "(3)" and inserting "(C)"; in line 26, by striking "(4)" and inserting "(D)"; following line 28, by inserting:

"(2) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.";

And **Sub SB 356** be passed as amended.

A motion by V. Schmidt to amend **Sub SB 356** failed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 356, SB 424, SB 462, 469, SB 480, SB 509; S Sub HB 2018**, were advanced to Final Action and roll call.

**Sub SB 356**, AN ACT concerning education; relating to school district capital improvement state aid; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, McGinn, Pettey, V. Schmidt.

Present and Passing: Wolf.

The substitute bill passed, as amended.

**SB 424**, AN ACT concerning consumer protection; relating to identity theft and identity fraud; security of personal information; powers and duties of the attorney general; amending K.S.A. 2015 Supp. 50-6,139 and repealing the existing section; also repealing K.S.A. 2015 Supp. 50-7a03, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**Sub SB 462**, AN ACT concerning civil procedure; relating to the protection from stalking act; amending K.S.A. 60-31a02 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**SB 469**, AN ACT concerning public employees; relating to the professional negotiations act; relating to recertification of exclusive representation in professional negotiations; amending K.S.A. 72-5416, 72-5417 and 72-5418 and K.S.A. 2015 Supp. 72-5432 and repealing the existing sections; also repealing K.S.A. 72-5419, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes,

Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Longbine, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Wilborn, Wolf.

The bill passed, as amended.

**SB 480**, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of parole or postrelease supervision; search and seizure; amending K.S.A. 2015 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

**SB 509**, AN ACT concerning state finances; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pyle, Tyson.

The bill passed, as amended.

**S Sub HB 2018**, AN ACT concerning controlled substances; relating to the uniform controlled substances act; substances included in schedules I, III and IV; prescription of amphetamines; amending K.S.A. 65-4127e and K.S.A. 2015 Supp. 65-2837a, 65-4105, 65-4109 and 65-4111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Olson, Pilcher-Cook.

The substitute bill passed, as amended.

**MESSAGE FROM THE HOUSE**

Announcing the House herewith transmits certificate of action by the House of Representatives on **House Substitute for SB 161**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-3722 and K.S.A. 2015 Supp. 68-2320, 74-4914d, 74-4920, 74-50,107, 74-99b34, 75-2319 and 79-34,161 and repealing the existing sections, received and read on March 17, 2016.

**Message from the Governor**

I want to thank the members of the Legislature for their work in completing a budget bill at this relatively early stage of the session. As we all know, there is more work to be done, but this bill makes significant progress. I look forward to working with the Legislature on the remaining issues before us.

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **House Substitute for Senate Bill 161** with my signature approving the bill, except for the items enumerated below.

*Department of Commerce – STAR Bonds*

Sections 35(g) and 36(f) are vetoed in their entirety. These provisions would bar any consideration or approval of STAR Bond projects in Wyandotte County until FY 2018. I do not believe there is any precedent for this kind of discrimination against one county in connection with economic development programs. The vetoed provisions here effectively would be repealed by the passage of other legislation containing certain STAR Bond reforms. My administration has been working with the Legislature on those reforms and will continue to do so. I look forward to receiving acceptable legislation before the end of the session. In my view, this approach to reform is much preferred over that taken in this bill.

*Department for Aging and Disability Service – Mental Health Screenings*

Section 48(o) is vetoed in its entirety. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued based on a threatened loss of funding from the federal government. The provision at issue here would return to the former policy, at a cost of \$1.8 million. While that cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I would be pleased to revisit this issue if the state receives new and different assurances from the federal government on the matter.

Dated: March 4, 2016

Signed: SAM BROWNBACK, *Governor of Kansas*

**House Substitute for SB 161**, was approved by the Governor on March 4, 2016, except for the following line item vetoes:

**Sec. 35. DEPARTMENT OF COMMERCE**

(g) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except for refunding of existing bonds in Wyandotte county: *Provided however*; That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A clawback provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the above agency's authority to approve substantial changes to the project; (8) an evaluation of the practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

**Sec. 36 DEPARTMENT OF COMMERCE**

(f) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except for refunding of existing bonds in Wyandotte county: *Provided however*, That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A clawback provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into

the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the above agency's authority to approve substantial changes to the project; (8) an evaluation of the practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 or 2017 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

These vetoes were returned by the Governor with his objections and approved on March 15, 2016 by two-thirds of the members elected to the Senate notwithstanding the objections of the Governor; failed to receive the required two-thirds vote of the members elected to the House of Representatives on March 23, 2016. The line item vetoes were sustained.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2713**.

Announcing passage of **SB 314, SB 338, SB 443**.

Announcing passage of **SB 19**, as amended; **Sub SB 22**, as amended; **SB 224**, as amended; **SB 407**, as amended; **SB 408**, as amended; **SB 449**, as amended.

Announcing passage of **SB 280**, as amended by **H Sub SB 280**.

The House nonconcurrs in Senate amendments to **S Sub HB 2088**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2289**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2436**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2460**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2463**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2509**, requests a conference and has appointed Representatives Campbell, Sloan and Curtis as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 63** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub for SB 99** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 149** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the

part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 168** and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 227** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 323** and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 366** and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 373** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 387** and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 388** and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 402** and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 418** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

## **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2713** was thereupon introduced and read by title.

## **REPORTS OF STANDING COMMITTEES**

Committee on **Public Health and Welfare** begs leave to submit the following report:

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

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Robba Moran, term expires March 15, 2018.

The Committee on **Ways and Means** recommends **HB 2655**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2655," as follows:

"Senate Substitute for HOUSE BILL No. 2655

By Committee on Ways and Means

"AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning assuring student success act;

amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6474, 72-6476, 72-6481 and 74-4939a and repealing the existing sections.";

And the substitute bill be passed.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 19** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **Sub SB 22** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 407** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 408** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 449** and requested a conference committee be appointed.

The President appointed Senators O'Donnell, Bowers and Kelly as a conference committee on the part of the Senate.

### ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2088**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2289**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2436**.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2460**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2463**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2509**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

**REPORT ON ENROLLED BILLS**

**H Sub SB 245** reported correctly enrolled, properly signed and presented to the Governor on March 23, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, March 24, 2016.

# Journal of the Senate

FORTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 24, 2016, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Senator Wagle introduced guest chaplain Kent Otott, Executive Director, North Central Kansas Teens For Christ, Concordia who delivered the invocation:

Our Most Gracious God, at this very moment, I want to lift up the ladies and gentlemen here today as they begin to conduct business which will affect the people of the State of Kansas. We know by Your Word the people in this chamber are in their positions because of You and the desires of their constituents. Whether the people in this room acknowledge You or not, You will be the One they humbly bow before one day to give an account of their decisions. So guide their hearts, oh God, and allow them to be sensitive to Your desires. Two verses from the Book of James will serve us all well today: "Draw near to God and He will draw near to you. Cleanse your hands, you sinners; and purify your hearts, you double-minded" and "Humble yourselves in the presence of the Lord, and He will exalt you." James 4: 8,10 (NASB) As many will go home to celebrate the Resurrection of Your Son this weekend, give them rest and a splendid time with their families and friends who have missed them during this long, arduous session. As we close our time together in prayer, may you strengthen the people of the great State of Kansas. Bless their businesses, farms, families, and those who are serving in our Armed Forces. Be with those who protect our cities, serve our citizens and educate our children. These things I ask in the name of Your Risen Son, Jesus Christ! Amen!

The Pledge of Allegiance was led by President Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **HB 2713**.

## CHANGE OF REFERENCE

An objection having been made to **HB 2571** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

The President withdrew **S Sub HB 2479, HB 2558** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Knox the following report was adopted:

The committee report on **HB 2655** recommending **S Sub HB 2655** be adopted, be amended by motion of Senator Lynn: on page 12, in line 43, by striking "2015" and inserting "2016", and **S Sub HB 2655** be passed as amended.

A motion by Senator Francisco to further amend **S Sub HB 2655** failed and the following amendment was rejected: on page 2, in line 16, by striking "4" and inserting "3";

On page 3, in line 1, by striking "3" and inserting "2"; in line 10, by striking "4" and inserting "3"; by striking all in lines 27 through 43;

On page 4, by striking all in lines 1 through 30;

On page 7, in line 33, by striking "3 and 4" and inserting "2 and 3";

On page 8, in line 17, by striking "3 through 5" and inserting "2 through 4";

On page 16, in line 13, by striking "3 through 5" and inserting "2 through 4,"; in line 15, by striking "3 through 5" and inserting "2 through 4"; in line 19, by striking "3 through 5" and inserting "2 through 4"; and by renumbering sections accordingly.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Baumgardner.

Absent or Not Voting: Smith.

#### CHANGE OF REFERENCE

The President withdrew **S Sub HB 2479** from the Committee on **Ways and Means**, and referred to the calendar under the heading of **General Orders**.

The President withdrew **HB 2558** from the Committee on **Ways and Means**, and referred to the calendar under the heading of **General Orders**.

#### MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **S Sub HB 2018**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 19** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 22** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 407** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 408** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 449** and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The following bills have been stricken from the Calendar under House Rule 1507: **SB 17; H Sub Sub SB 18; H Sub SB 58; SB 97; H Sub SB 106, H Sub SB 125, H Sub SB 136; SB 159, SB 361, SB 365, SB 370, SB 375, SB 382, SB 405, SB 426.**

The House adopts the Conference Committee report to agree to disagree on **SB 318**, and has appointed Representatives Hedke, Corbet and Kuether as second conferees on the part of the House.

The House adopts the Conference Committee report on **SB 367**.

The House concurs in Senate amendments to **HB 2134**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2387**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2447**, and requests return of the bill.

#### MESSAGES FROM THE GOVERNOR

**Sub SB 103; SB 358, SB 369** approved on March 23, 2016

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 318** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

DENNIS HEDKE

KEN CORBET

ANNIE KUETHER

*Conferees on part of House*

ROB OLSON

MIKE PETERSEN

MARCI FRANCISCO

*Conferees on part of Senate*

On motion of Senator Olson the Senate adopted the conference committee report on **SB 318**, and requested a new conference be appointed.

The President appointed Senators Olson, Petersen and Francisco as a second Conference Committee on the part of the Senate on **SB 318**.

### ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2018**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2655** was advanced to Final Action and roll call.

**S Sub HB 2655**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning assuring student success act; amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6474, 72-6476, 72-6481 and 74-4939a and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 5; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Hensley, Holland, Kelly, Pettey.

Present and Passing: Francisco, Haley, Hawk.

The bill passed, as amended.

### EXPLANATION OF VOTE

Madam President: I vote yes on **Senate Sub for HB 2655**. I believe the legislature should quickly respond to the Supreme Court's equity decision and, more importantly, because it will allow the legislature to focus on developing a new education finance package, one that is based upon input from all of the stakeholders. This will ensure that all Kansas children continue to receive the opportunity to be on the path to being successful by pursuing their chosen occupation through a suitable public education.—

STEVE ABRAMS

Senators Arpke, Fitzgerald, King, Masterson and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **S Sub HB 2655**.

Madam President: I vote yes on **Senate Sub for HB 2655** to avoid disruption of public education and to keep the schools open. The Supreme Court, in Gannon, ruled that existing school funding legislation concerning local option budget and capital outlay equalization was unconstitutional and could be enjoined, and in so instructing us to comply. In addition, unless we enacted a law that complied with these equalization concerns by June 30, 2016, all Kansas Public Schools would be closed. Having reviewed the evidence and testimony put on the record for the proceedings, I believe that this bill at all levels of scrutiny satisfies the Court's demand on the legislature. This

will allow the schools to open on time as scheduled, avoiding any unnecessary disruption to public education.—TOM ARPKE

Senators Fitzgerald and Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Arpke on **S Sub HB 2655**.

Madam President: I vote yes on **Senate Sub for HB 2655** because of the evidence presented. There were three solutions identified. The first two, **SB 512** and **HB 2371**, were fashioned after the prior formulas that the Supreme Court suggested would be one obvious choice. But, not a single school district supported the plan. The members of the respective committees that heard evidence on the bill did not believe it was the best option for Kansas schools. **Senate Sub for HB 2655**, however, was supported, in person, by two school districts and another school district sent a letter in support. Moreover, it includes a "hold harmless" provision that means no school district loses funds. All the school districts that testified – even the opponents of this bill – acknowledged that the hold harmless provision is necessary in light of the legislature's obligation to respond to the Court's remedial order while the school districts' budgeting processes are occurring. The Department of Education witnesses confirmed this view, too. I believe that this bill is the best option among those that I have seen and the evidence that I have reviewed.—JIM DENNING

Senators Arpke, Fitzgerald, Lynn, Masterson, Melcher, Smith, Wagle and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator Denning on **S Sub HB 2655**.

Madam President: I vote to "PASS" on the **Senate Substitute for House Bill 2655**. I want to support a bill to address the issue of funding equity because I understand how important it is to address the Kansas Supreme Court's concern about equity and keep our schools open. However this bill claims to have its intent "to ensure that public school students receive a constitutionally adequate education through a fair allocation of resources among the school districts and that the distribution of these funds does not result in unreasonable wealth-based disparities among districts." It also claims "Furthermore, the evidence before the legislature confirms that the total amount of school funding meets or exceeds the Supreme Court's standard for adequacy." Although the intent of **S Sub for HB 2655** may also be for the legislature to respond to the court order, there are serious questions about how well it addresses the issue of equity and if it is constitutional. In no way can the legislature, with this bill, confirm that the total amount of school funding meets or exceeds the Supreme Court's standard for adequacy. I urge us to consider a bill that adds \$38 million to fund the current equalization formulas and would most likely pass constitutional muster.—MARCI FRANCISCO

Senators Faust-Goudeau and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub HB 2655**.

Madam President: **Senate Substitute for HB 2655**: I pass. A "yes" vote would have conveyed that I believe the plan to be a good one. I don't. A "no" vote would have conveyed that I have no problem with schools having to shut down. I do have a problem with that scenario. It is my hope that my pass expresses my belief that **Senate Substitute for HB 2655** is not equitable because it is just a continuation of the unconstitutional block grant (**SB 7**), yet I want to get a proposal to the court for its consideration in order to assure continued attempts to keep schools open.—TOM HAWK

Madam President: I vote yes on **Senate Sub for HB 2655** because Dale Dennis, of the Department of Education, expressly told me that this plan allowed sufficient flexibility to address any potential equity issues that may arise in the future. Based upon the testimony that he (and others) provided, I feel confident that this plan satisfies the Court's equity concerns and, if inequities arise in the future, sufficient funds will be within Mr. Dennis' discretion to resolve any potential disparity that may occur after enactment.—TY MASTERSON

Senator Arpke requests the record to show he concurs with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2655**.

Madam President: I vote yes on **Senate Substitute for HB 2655** because I firmly believe that the Preamble and Section 2 reflect my view of the evidence that was presented to the committees, and my intention is that this bill will keep our schools open.—LARRY POWELL

Senators Arpke and Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Powell on **Senate Sub HB 2655**.

***Protest of Senator Hensley against Senate Substitute for House Bill No. 2655***  
**March 24, 2016**

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **Senate Substitute for House Bill No. 2655**.

After submission of a bill at the rail on Monday, March 21, assignment of a bill number (**Senate Bill No. 515**) on Tuesday, getting the bill in print by early evening and a rushed committee hearing on Wednesday that provided no meaningful opportunity for testimony from the many districts impacted by the passage of this bill, this body now rushes to judgment to enact this bill (**Senate Substitute for House Bill No. 2655**) that demonstrably harms equity rather than curing the equity defects found by the Kansas Supreme Court. The bill does nothing to actually equalize purchasing power between districts due to differences in local wealth. Furthermore, it is a freeze of equalization payments at the current levels accomplished through the artifice of a "hold harmless" provision that benefits wealthier school districts at the expense of poorer districts. It also harms equity by effectively expanding LOB authority only for districts wealthy enough to afford local property tax increases. This Supposed Equity Bill is the very definition of a constitutionally inequitable bill.

Given the time constraints imposed on the Legislature by the Supreme Court's decision, which was itself precipitated by this body's unconstitutional actions, prudence would have dictated that the Legislature take as its guiding star a system that has been repeatedly found by the District Court Panel and the Supreme Court to be constitutionally equitable; namely, the old equalization formulas. Those formulas, in combination, pass the Supreme Court's equity test; this bill does not. The bill continues to create "winners and losers" as the attached chart and spreadsheet graphically demonstrate by comparing the bill's effects to the old equalization formulas previously found constitutional. My school district, Topeka USD 501, testified against this bill in the house and presented the spreadsheet and chart below along with their written testimony yesterday. The data was not presented to the Senate Committee and I want the entire Senate to have the benefit of reviewing this information.

When compared to the old equalization formulas, the bill's disastrous effects on

equity become apparent. The bill essentially switches the Local Option Budget (LOB) equalization formula to a less generous equalization formula than was previously authorized. While the capital outlay equalization formula might have been approved *for capital outlay* it was not approved for LOB. LOB is a much larger component in classroom funding. This is the direct result of this body attempting to construct a formula based not on educational reasons for the funding, but rather based on the amount of money politically deemed available in the State's checkbook. The bill prorates down the amount of LOB equalization to fit current dollars. Such a proration has been specifically found to be unconstitutional by the Supreme Court in *Gannon I*.

In addition, the hold harmless provisions in the bill (called "school district equalization state aid" in the bill) allow wealthier districts to retain more resources and thus retain the ability to provide more educational opportunity. This allows the wealthier districts to keep the advantage given to them by the block grants enacted under 2015 **House Substitute for Senate Bill No. 7** and their wealth. This runs directly counter to the purpose of equalization aid which is supposed to "equalize" purchasing power. The bill instead ensures that the wealthier districts retain their advantages over less wealthy districts and thus fails the equity test.

Additionally, the bill's system allows wealthy districts to game the equalization system in a way that less wealthy districts cannot. For example, Shawnee Mission USD 512, a district that regularly touts their ability to pass increased local school mill levies, could raise their mill levy to completely backfill the \$3,040,285 amount they lose in LOB equalization aid under the Supposed Equity Bill's LOB equalization formula. In addition, they would then receive an additional \$3,040,285 in "hold harmless" money, thereby allowing them to *increase* spending by \$3 million dollars over the block grant. On the other hand, Kansas City USD 500 also loses \$2,502,864 in equalization aid. However, Kansas City is much less likely to get taxpayer approval for an increased local school mill levy to backfill this loss. The "hold harmless" money Kansas City receives will be only \$1,240,706, resulting in a *decrease* in LOB funding to Kansas City by \$1,262,158 over the amount granted under the block grant bill. This does not result in substantially similar educational opportunity through similar tax effort.

The bill also continues the cannibalization of equalization funds that the courts have repeatedly been found to be unconstitutional. By ensuring that any gains in capital outlay equalization are then deducted against any "hold harmless" money the district would receive, it harms the districts that receive capital outlay equalization compared to districts that do not.

Additionally, local school mill levies continue to range from 7.87 mills in Meade to 44.4 mills in South Haven for providing the same educational opportunity. This might have been acceptable to the Court had we used their safe harbor and simply re-adopted and funded the old formulas, however, since we did not, the new scheme must pass the equity test. Under the bill's system, districts will be incentivized to shift more funding locally to backfill the loss of LOB aid due to the less generous LOB formula. This will only exacerbate the range of tax effort required to obtain "similar educational opportunity." It violates the Supreme Court mandate that "School districts must have reasonably equal access to substantially similar educational opportunity through similar tax effort." This tax effort difference is not even close to "similar."

The Topeka Public Schools are already being forced to consider proposals to raise their LOB mill levy in order to make up for losses incurred through the operation of the

block grants. The bill means that Topeka taxpayers will face even higher potential local tax increases just to stay even. For districts like Topeka and other less wealthy districts, the bill can only be viewed as yet another package of concessions for wealthier, more politically powerful districts that continues to arbitrarily reassign winners and losers. This merely furthers the inequity in funding for classrooms across the state; it does not cure it as required by the Supreme Court.

The bill is the product of politics and not a consideration of the actual cost to educate Kansas school children. Clearly, the bill does not, by design or in its likely implementation, provide for “reasonably equal access to substantially similar educational opportunity through similar tax effort.” An attempted repackaging of the same resources previously found to violate the Kansas Constitution through a bill that perpetuates wealth-based disparities between the districts rather than curing them cannot reasonably be viewed as a constitutional response to the Supreme Court’s mandate. By passing the bill, this body once again fails in its constitutional duty under Article 6 to provide an equitable education to all Kansas school children.

In addition, if this bill is subsequently found to be unconstitutional by the Supreme Court, the majority party of this Legislature will have brought us dangerously closer to the Court’s June 30 deadline to comply with the *Gannon* decision. If the majority party is truly concerned about keeping schools open next fall, they should have appropriated \$38 million in the fiscal year 2017 budget bill which passed the Legislature over a month ago. Appropriating \$38 million would have been and remains a far more certain solution in meeting the equity test in *Gannon* than the uncertainty resulting from the passage of this bill. —ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Hawk, Holland, Kelly, and Pettey request the record to show they concur with the “Constitutional Protest” offered by Senator Hensley on **S Sub HB 2655**.

Senator Francisco requested the record to show she concurred with the “Constitutional Protest” offered by Senator Hensley on **S Sub HB 2655**. On objection, the request was denied.

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			RETURN TO OLD FORMULAS Supreme Court Safe Harbor		
			A	B	C
			Gain/Loss in Capital Outlay Aid	Gain/Loss in LOB Aid	Total Gain/Loss in Aid
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
259	Sedgwick	Wichita	4,508,756	5,132,809	9,641,565
500	Wyandotte	Kansas City	1,262,158	970,843	2,233,001
497	Douglas	Lawrence	656,309	1,496,590	2,152,899
501	Shawnee	Topeka Public Schools	829,524	1,032,306	1,861,830
437	Shawnee	Auburn Washburn	776,699	1,061,106	1,837,805
260	Sedgwick	Derby	822,104	769,429	1,591,533
305	Saline	Salina	560,848	587,798	1,148,646
457	Finney	Garden City	293,038	771,202	1,064,241
231	Johnson	Gardner Edgerton	532,373	374,709	907,082
266	Sedgwick	Maize	629,126	120,546	749,672
443	Ford	Dodge City	419,403	318,461	737,865
253	Lyon	Emporia	557,901	168,711	726,613
265	Sedgwick	Goddard	417,394	292,761	710,154
368	Miami	Paola	231,900	478,744	710,644
345	Shawnee	Seaman	354,751	166,303	521,054
313	Reno	Buhler	238,318	279,662	517,980
204	Wyandotte	Bonner Springs	281,143	231,411	512,554
489	Ellis	Hays	0	487,958	487,958
214	Grant	Ulysses	0	487,259	487,259
203	Wyandotte	Piper-Kansas City	162,149	322,090	484,239
450	Shawnee	Shawnee Heights	307,760	167,957	475,716
250	Crawford	Pittsburg	130,319	330,234	460,553
490	Butler	El Dorado	78,638	367,066	445,703
263	Sedgwick	Mulvane	246,570	369,731	616,301
416	Miami	Louisburg	149,710	263,758	413,468
453	Leavenworth	Leavenworth	226,875	185,708	412,584
202	Wyandotte	Turner-Kansas City	218,981	159,606	378,587
375	Butler	Circle	72,089	288,346	360,435
262	Sedgwick	Valley Center Pub Sch	176,871	162,394	339,265
458	Leavenworth	Basehor-Linwood	183,164	140,731	323,896
407	Russell	Russell County	70,624	576,112	646,736
290	Franklin	Ottawa	199,433	111,953	311,386
331	Kingman	Kingman - Norwich	113,499	270,026	383,525
428	Barton	Great Bend	129,100	175,520	304,620
413	Neosho	Chanute Public Schools	202,962	96,141	299,103
435	Dickinson	Abilene	178,373	115,150	293,523
418	McPherson	McPherson	148,145	129,670	277,814
308	Reno	Hutchinson Public Schools	163,146	113,387	276,533
480	Seward	Liberal	0	261,677	261,677

**S Sub for HB 2655**  
**New LOB Formula and Hold Harmless**

D	E	F	G	H	I
Gain/Loss in LOB Aid	Gain/Loss in Capital Outlay Aid	New Formula Gain/Loss in Aid	Hold Harmless Payment	Total Aid Gain/Loss in Aid	Difference Between Old Formulas and S Sub for HB2655
		Calculated		Calculated	Calculated
		(D + E)	SF16-133 Col A	(F + G)	(H - C)
SF16-126 Col A	SF16-117 Col A				
-6,045,648	4,508,756	-1,536,892	1,536,892	0	-9,641,565
-2,502,864	1,262,158	-1,240,706	1,240,706	0	-2,239,001
-2,377,404	656,309	-1,721,096	1,721,096	0	-2,152,899
-1,804,935	829,524	-975,411	975,411	0	-1,861,830
-622,735	776,699	153,964	0	153,964	-1,683,841
-735,024	822,104	87,080	0	87,080	-1,504,453
-1,248,914	560,848	-688,066	688,066	0	-1,148,846
-595,555	293,038	-302,517	302,517	0	-1,064,241
-706,254	532,373	-173,881	173,881	0	-907,082
-1,165,811	629,126	-536,684	536,684	0	-749,672
-788,687	419,403	-369,283	369,283	0	-737,866
-633,906	557,901	-76,005	76,005	0	-726,613
-680,851	417,394	-263,457	263,457	0	-710,154
-47,738	231,900	184,162	0	184,162	-526,482
-714,134	354,751	-359,383	359,383	0	-521,054
-331,796	238,318	-93,478	93,478	0	-517,980
-427,970	281,143	-146,826	146,826	0	-512,354
-317,906	0	-317,906	317,906	0	-487,958
0	0	0	0	0	-487,259
-269,147	162,149	-106,997	106,997	0	-484,239
-596,977	307,760	-289,218	289,218	0	-475,716
-282,583	130,319	-152,264	152,264	0	-460,553
-269,181	78,638	-190,544	190,544	0	-445,703
-55,372	246,570	191,198	0	191,198	-425,103
-172,834	149,710	-23,125	23,125	0	-419,468
-587,559	226,875	-360,684	360,684	0	-412,584
-484,713	218,981	-265,733	265,733	0	-378,587
-293,716	72,089	-221,627	221,627	0	-360,435
-299,711	176,871	-122,841	122,841	0	-339,265
-279,044	183,164	-95,880	95,880	0	-323,896
257,388	70,624	328,012	0	328,012	-318,724
-382,498	199,433	-183,065	183,065	0	-311,386
-35,849	113,499	77,551	0	77,551	-305,974
-434,133	129,100	-305,033	305,033	0	-304,620
-319,215	202,962	-116,253	116,253	0	-299,103
-184,899	178,373	-6,527	6,527	0	-293,523
-688,878	148,145	-540,733	540,733	0	-277,814
-762,972	163,146	-599,826	599,826	0	-276,533
-495,290	0	-495,290	495,290	0	-261,677

			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
469	Leavenworth	Lansing	109,147	147,380	256,527
409	Atchison	Atchison Public Schools	112,164	128,622	240,786
466	Scott	Scott County	21,880	218,133	240,013
445	Montgomery	Coffeyville	55,251	183,890	239,141
383	Riley	Manhattan-Ogden	0	226,458	226,458
261	Sedgwick	Haysville	-24,663	240,573	215,911
494	Hamilton	Syracuse	35,806	197,949	233,755
491	Douglas	Eudora	109,827	80,278	190,105
405	Rice	Lyons	70,841	208,526	279,367
230	Johnson	Spring Hill	0	181,581	181,581
205	Butler	Bluestem	57,613	124,168	181,781
348	Douglas	Baldwin City	120,067	60,705	180,772
394	Butler	Rose Hill Public Schools	104,596	74,905	179,502
114	Doniphan	Riverside	0	188,397	188,397
402	Butler	Augusta	193,229	-18,809	174,421
431	Barton	Hoisington	48,885	339,358	388,243
232	Johnson	De Soto	495,480	-331,295	164,185
483	Seward	Kismet-Plains	0	161,412	161,412
373	Harvey	Newton	236,161	-76,532	159,628
257	Allen	Iola	89,321	66,862	156,183
355	Barton	Ellinwood Public Schools	45,148	343,455	388,603
417	Morris	Morris County	56,732	95,080	151,811
400	McPherson	Smoky Valley	110,105	38,343	148,447
350	Stafford	St John-Hudson	0	148,413	148,413
264	Sedgwick	Clearwater	99,239	48,853	148,092
396	Butler	Douglass Public Schools	47,544	100,531	148,075
270	Rooks	Plainville	0	146,454	146,454
267	Sedgwick	Renwick	154,108	-12,291	141,817
385	Butler	Andover	445,569	-303,842	141,727
470	Cowley	Arkansas City	51,508	78,233	129,741
273	Mitchell	Beloit	76,722	52,695	129,417
287	Franklin	West Franklin	56,631	69,784	126,415
366	Woodson	Woodson	2,648	122,461	125,109
506	Labette	Labette County	91,923	31,683	123,606
508	Cherokee	Baxter Springs	83,323	82,595	165,919
218	Morton	Elkhart	151,571	183,297	334,868
293	Gove	Quinter Public Schools	36,505	104,602	141,107
340	Jefferson	Jefferson West	63,272	49,212	112,485
477	Gray	Ingalls	7,671	136,357	144,028

**S Sub for HB 2655**  
**New LOB Formula and Hold Harmless**

D	E	F	G	H	I
Gain/Loss in LOB Aid	Gain/Loss in Capital Outlay Aid	New Formula Gain/Loss in Aid	Hold Harmless Payment	Total Aid Gain/Loss in Aid	Difference Between Old Formulas and S Sub for HB2655
		Calculated (D + E)		Calculated (F + G)	Calculated (H - C)
SF16-126 Col A	SF16-117 Col A		SF16-133 Col A		
-301,893	109,147	-192,746	192,746	0	-256,527
-223,242	112,164	-111,078	111,078	0	-240,786
-135,092	21,880	-113,212	113,212	0	-240,013
-389,721	55,251	-334,470	334,470	0	-239,141
-1,536,205	0	-1,536,205	1,536,205	0	-226,458
-422,672	-24,663	-447,335	447,335	0	-215,911
-15,072	35,806	20,734	0	20,734	-213,021
-164,977	109,827	-55,150	55,150	0	-190,105
19,028	70,841	89,869	0	89,869	-189,498
293,948	0	293,948	293,948	0	-181,581
-56,881	57,613	732	0	732	-181,049
-258,149	120,067	-138,082	138,082	0	-180,772
-179,755	104,596	-75,159	75,159	0	-179,502
12,411	0	12,411	0	12,411	-175,986
-380,141	193,229	-186,912	186,912	0	-174,421
166,216	48,885	215,100	0	215,100	-173,143
-2,022,965	495,480	-1,527,485	1,527,485	0	-164,185
0	0	0	0	0	-161,412
-689,770	236,161	-453,610	453,610	0	-159,628
-189,235	89,321	-99,914	99,914	0	-156,183
190,623	45,148	235,771	0	235,771	-152,832
-164,849	56,732	-108,118	108,118	0	-151,811
-249,239	110,105	-139,135	139,135	0	-148,447
0	0	0	0	0	-148,413
-194,003	99,239	-94,764	94,764	0	-148,092
-52,688	47,544	-5,144	5,144	0	-148,075
0	0	0	0	0	-146,454
-486,381	154,108	-332,273	332,273	0	-141,817
-1,224,162	445,569	-778,593	778,593	0	-141,727
-383,843	51,508	-332,335	332,335	0	-129,741
-203,131	76,722	-126,409	126,409	0	-129,417
-147,513	56,631	-90,882	90,882	0	-126,425
-33,810	2,648	-31,162	31,162	0	-125,109
-215,501	91,923	-123,578	123,578	0	-123,606
-40,859	83,323	42,465	0	42,465	-123,454
60,515	151,571	212,086	0	212,086	-122,782
-16,562	36,505	19,943	0	19,943	-121,164
-145,711	63,272	-82,439	82,439	0	-112,485
24,186	7,671	31,858	0	31,858	-112,171

			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
382	Pratt	Pratt	109,265	2,663	111,928
388	Ellis	Ellis	63,307	201,209	264,516
330	Wabaunsee	Mission Valley	52,513	55,913	108,426
309	Reno	Nickerson	54,188	52,922	107,109
353	Sumner	Wellington	164,453	-58,742	105,711
432	Ellis	Victoria	0	103,522	103,522
252	Lyon	Southern Lyon County	50,257	52,988	103,245
282	Elk	West Elk	20,962	79,880	100,842
325	Phillips	Phillipsburg	32,150	55,746	87,896
369	Harvey	Burrton	40,259	139,219	179,479
503	Labette	Parsons	44,300	42,991	87,291
289	Franklin	Wellsville	71,910	15,316	87,226
484	Wilson	Fredonia	20,189	60,945	81,135
473	Dickinson	Chapman	-17,436	97,535	80,099
397	Marion	Centre	45,106	69,540	114,646
113	Nemaha	Prairie Hills	72,950	4,477	77,427
347	Edwards	Kinsley-Offerle	37,583	38,995	76,578
286	Chautauqua	Chautauqua Co Community	6,395	68,962	75,357
511	Harper	Attica	11,276	72,073	83,349
358	Sumner	Oxford	45,956	141,459	187,414
101	Neosho	Erie-Galesburg	42,938	26,178	69,115
268	Sedgwick	Cheney	49,452	18,719	68,171
487	Dickinson	Herington	0	66,014	66,014
410	Marion	Durham-Hillsboro-Lehigh	58,680	6,415	65,096
447	Montgomery	Cherryvale	44,627	18,001	62,628
509	Sumner	South Haven	9,665	105,538	115,203
434	Osage	Santa Fe Trail	34,670	26,102	60,772
439	Harvey	Sedgwick Public Schools	12,600	47,653	60,253
207	Leavenworth	Ft Leavenworth	3,023	69,289	72,312
465	Cowley	Winfield	164,626	-105,386	59,239
320	Pottawatomie	Wamego	61,788	-3,896	57,892
376	Rice	Sterling	49,189	7,963	57,152
403	Rush	Otis-Bison	0	57,129	57,129
333	Cloud	Concordia	67,847	-13,962	53,885
404	Cherokee	Riverton	-6,456	57,760	51,304
288	Franklin	Central Heights	39,054	10,257	49,311
395	Rush	LaCrosse	7,025	41,347	48,372
357	Sumner	Belle Plaine	38,894	8,386	47,280
248	Crawford	Girard	30,793	15,867	46,660

<b>S Sub for HB 2655</b>					
<b>New LOB Formula and Hold Harmless</b>					
<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>
<b>Gain/Loss in LOB Aid</b>	<b>Gain/Loss in Capital Outlay Aid</b>	<b>New Formula Gain/Loss in Aid</b>	<b>Hold Harmless Payment</b>	<b>Total Aid Gain/Loss in Aid</b>	<b>Difference Between Old Formulas and S Sub for HB2655</b>
		<b>Calculated</b>		<b>Calculated</b>	<b>Calculated</b>
<b>SF16-126 Col 4</b>	<b>SF16-117 Col 4</b>	<b>( D + E )</b>	<b>SF16-133 Col 4</b>	<b>( F + G )</b>	<b>( H - C )</b>
-373,782	109,265	-264,517	264,517	0	-111,928
91,079	63,307	154,386	0	154,386	-110,330
-136,896	52,513	-84,383	84,383	0	-108,426
-272,711	54,188	-218,523	218,523	0	-107,109
-349,018	164,453	-184,565	184,565	0	-105,711
0	0	0	0	0	-103,522
-133,607	50,257	-83,350	83,350	0	-103,245
-36,436	20,962	-15,474	15,474	0	-100,842
-92,430	32,150	-60,280	60,280	0	-87,896
51,513	40,259	91,772	0	91,772	87,706
-218,717	44,300	-174,417	174,417	0	-87,291
-206,772	71,910	-134,862	134,862	0	-87,226
-140,475	20,189	-120,285	120,285	0	-81,135
-226,618	17,436	-244,053	244,053	0	-80,099
-8,485	45,106	36,621	0	36,621	-78,025
-383,134	72,950	-310,184	310,184	0	-77,427
-111,390	37,583	-73,807	73,807	0	-76,578
-16,048	6,395	-9,653	9,653	0	-75,357
-2,523	11,276	8,754	0	8,754	-74,596
-67,172	45,956	-113,128	0	-113,128	-74,287
-165,559	42,938	-122,621	122,621	0	-69,115
-138,423	49,452	-88,971	88,971	0	-68,171
-47,114	0	-47,114	47,114	0	-66,014
-186,307	58,680	-127,627	127,627	0	-65,096
-103,575	44,627	-58,948	58,948	0	-62,628
44,602	9,665	54,267	0	54,267	-60,936
-212,642	34,670	-177,972	177,972	0	-60,772
-48,449	12,600	-35,849	35,849	0	-60,253
9,108	3,023	12,132	0	12,132	-60,180
-571,881	164,626	-407,255	407,255	0	-59,239
-327,496	61,788	-265,708	265,708	0	-57,891
-126,574	49,189	-77,386	77,386	0	-57,152
0	0	0	0	0	-57,129
-262,440	67,847	-194,593	194,593	0	-53,683
-322,514	-6,456	-128,970	128,970	0	-51,304
-130,682	39,054	-91,628	91,628	0	-49,111
-90,382	7,025	-83,358	83,358	0	-48,372
-118,039	38,894	-79,145	79,145	0	-47,280
-170,283	30,793	-139,490	139,490	0	-46,660

			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
326	Phillips	Logan	0	46,463	46,463
327	Ellsworth	Ellsworth	31,417	14,956	46,373
249	Crawford	Frontenac Public Schools	21,842	22,896	44,739
245	Coffey	LeRoy-Gridley	0	44,381	44,381
372	Shawnee	Silver Lake	45,831	-1,857	43,974
341	Jefferson	Oskaloosa Public Schools	9,290	33,842	43,132
499	Cherokee	Galena	26,348	16,565	42,914
420	Osage	Osage City	24,153	18,422	42,575
323	Pottawatomie	Rock Creek	0	42,186	42,186
336	Jackson	Holton	65,919	-24,850	41,069
343	Jefferson	Perry Public Schools	23,623	16,745	40,368
504	Labette	Oswego	17,712	22,085	39,797
219	Clark	Minneola	0	39,699	39,699
464	Leavenworth	Tonganoxie	-26,998	62,946	35,948
367	Miami	Osawatomie	78,675	-42,949	35,726
206	Butler	Remington-Whitewater	23,597	10,562	34,159
421	Osage	Lyndon	29,991	3,809	33,801
356	Sumner	Conway Springs	49,413	-17,639	31,773
398	Marion	Peabody-Burns	0	30,713	30,713
285	Chautauqua	Cedar Vale	0	30,380	30,380
471	Cowley	Dexter	16,970	12,332	29,302
271	Rooks	Stockton	0	27,449	27,449
408	Marion	Marion-Florence	0	26,642	26,642
297	Cheyenne	St Francis Comm Sch	0	20,922	20,922
306	Saline	Southeast Of Saline	0	20,414	20,414
312	Reno	Haven Public Schools	66,528	-47,699	18,829
419	McPherson	Canton-Galva	13,823	4,217	18,040
212	Norton	Northern Valley	14,466	1,076	15,542
246	Crawford	Northeast	43,287	-29,258	14,028
386	Greenwood	Madison-Virgil	10,160	3,376	13,536
505	Labette	Chetopa-St. Paul	24,411	-10,982	13,429
371	Gray	Montezuma	9,554	2,554	12,108
242	Wallace	Weskan	0	11,506	11,506
359	Sumner	Argonia Public Schools	0	10,634	10,634
108	Washington	Washington Co. Schools	3,908	5,085	8,993
411	Marion	Goessel	9,414	-1,721	7,693
438	Pratt	Skyline Schools	31,108	-25,538	5,570
322	Pottawatomie	Onaga-Havensville-Wheaton	31,240	-27,230	4,009
448	McPherson	Inman	24,032	-21,078	2,954

<b>S Sub for HB 2655</b>					
<b>New LOB Formula and Hold Harmless</b>					
<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>
<b>Gain/Loss in LOB Aid</b>	<b>Gain/Loss in Capital Outlay Aid</b>	<b>New Formula Gain/Loss in Aid</b>	<b>Hold Harmless Payment</b>	<b>Total Aid Gain/Loss in Aid</b>	<b>Difference Between Old Formulas and S Sub for HB2655</b>
		<b>Calculated</b>		<b>Calculated</b>	<b>Calculated</b>
<b>SF16-126 Col 4</b>	<b>SF16-117 Col 4</b>	<b>(D + E)</b>	<b>SF16-133 Col 4</b>	<b>(F + G)</b>	<b>(H - C)</b>
-46,844	0	-46,844	46,844	0	-46,463
-187,355	31,427	-155,937	155,937	0	-46,373
-111,824	21,842	-89,982	89,982	0	-44,739
0	0	0	0	0	-44,381
-157,086	45,831	-111,255	111,255	0	-43,974
-111,831	9,290	-102,541	102,541	0	-43,132
-102,278	26,348	-75,930	75,930	0	-42,914
-131,009	24,153	-106,857	106,857	0	-42,575
-164,492	0	-164,492	164,492	0	-42,286
-239,384	65,919	-173,465	173,465	0	-41,069
-289,101	23,623	-265,478	265,478	0	-40,368
-56,487	17,712	-38,775	38,775	0	-39,797
-84,689	0	-84,689	84,689	0	-39,699
-322,038	-26,998	-349,035	349,035	0	-35,948
-313,930	78,675	-235,255	235,255	0	-35,726
-201,860	23,597	-178,263	178,263	0	-34,159
-105,099	29,991	-75,108	75,108	0	-33,801
-135,100	49,413	-85,687	85,687	0	-31,773
-125,290	0	-125,290	125,290	0	-30,713
-3,358	0	-3,358	3,358	0	-30,380
-31,423	16,970	-14,453	14,453	0	-29,302
-80,629	0	-80,629	80,629	0	-27,449
-134,098	0	-134,098	134,098	0	-26,642
-92,022	0	-92,022	92,022	0	-20,922
-255,415	0	-255,415	255,415	0	-20,414
-383,753	60,528	-317,224	317,224	0	-18,829
-188,068	13,823	-174,245	174,245	0	-18,040
-89,530	14,466	-75,064	75,064	0	-15,542
-144,553	43,287	-101,266	101,266	0	-14,028
-86,657	10,160	-76,497	76,497	0	-13,536
-108,219	24,411	-83,808	83,808	0	-13,429
-101,046	9,554	-91,492	91,492	0	-12,108
-17,107	0	-17,107	17,107	0	-11,506
-73,925	0	-73,925	73,925	0	-10,634
-166,153	3,908	-162,245	162,245	0	-8,993
-85,801	9,414	-76,387	76,387	0	-7,693
-181,179	31,108	-150,071	150,071	0	-5,570
-145,165	31,240	-113,925	113,925	0	-4,009
-220,421	24,032	-196,389	196,389	0	-2,854

			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
					Calculated
<b>USD#</b>	<b>County Name</b>	<b>USD Name</b>	<b>SF16-126 Col 4</b>	<b>SF16-116 Col 4</b>	<b>(A + B)</b>
393	Dickinson	Solomon	22,574	-20,377	2,197
224	Washington	Clifton-Clyde	0	1,579	1,579
220	Clark	Ashland	0	1,352	1,352
211	Norton	Norton Community Schools	36,424	-35,203	1,221
210	Stevens	Hugoton Public Schools	0	1,168	1,168
389	Greenwood	Eureka	10,316	-9,330	986
392	Osborne	Osborne County	19,440	-18,960	481
454	Osage	Burlingame Public School	0	473	473
468	Lane	Healy Public Schools	0	0	0
275	Logan	Triplains	0	0	0
291	Gove	Grinnell Public Schools	0	0	0
474	Kiowa	Haviland	0	0	0
476	Gray	Copeland	0	0	0
292	Gove	Wheatland	0	0	0
106	Ness	Western Plains	0	0	0
269	Rooks	Palco	0	0	0
502	Edwards	Lewis	0	0	0
399	Russell	Paradise	0	0	0
314	Thomas	Brewster	0	0	0
103	Cheyenne	Cheylin	0	0	0
332	Kingman	Cunningham	0	0	0
401	Rice	Chase-Raymond	0	0	0
217	Morton	Rolla	0	0	0
209	Stevens	Moscow Public Schools	0	0	0
241	Wallace	Wallace County Schools	0	0	0
216	Kearny	Deerfield	0	0	0
351	Stafford	Macksville	0	0	0
482	Lane	Dighton	0	0	0
459	Ford	Bucklin	0	0	0
255	Barber	South Barber	0	0	0
200	Greeley	Greeley County Schools	0	0	0
303	Ness	Ness City	0	0	0
227	Hodgeman	Hodgeman County Schools	0	0	0
310	Reno	Fairfield	0	0	0
507	Haskell	Satanta	0	0	0
300	Comanche	Comanche County	0	0	0
444	Rice	Little River	0	0	0
111	Doniphan	Doniphan West Schools	0	0	0
422	Kiowa	Kiowa County	0	0	0



			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
281	Graham	Graham County	0	0	0
208	Trego	Wakeeney	0	0	0
226	Meade	Meade	0	0	0
274	Logan	Oakley	0	0	0
251	Lyon	North Lyon County	0	0	0
452	Stanton	Stanton County	0	0	0
374	Haskell	Sublette	0	0	0
254	Barber	Barber County North	0	0	0
112	Ellsworth	Central Plains	0	0	0
215	Kearny	Lakin	0	0	0
244	Coffey	Burlington	0	0	0
362	Linn	Prairie View	0	0	0
363	Finney	Holcomb	0	0	0
321	Pottawatomie	Kaw Valley	0	0	0
436	Montgomery	Caney Valley	22,058	-24,293	-2,235
342	Jefferson	McLouth	22,281	-24,544	-2,263
390	Greenwood	Hamilton	0	-2,897	-2,897
235	Bourbon	Uniontown	0	-3,103	-3,103
381	Ford	Spearville	13,053	-17,426	-4,373
284	Chase	Chase County	0	-4,647	-4,647
460	Harvey	Hesston	46,316	-51,316	-5,000
384	Riley	Blue Valley	0	-6,899	-6,899
412	Sheridan	Hoxie Community Schools	0	-11,597	-11,597
339	Jefferson	Jefferson County North	20,071	-32,219	-12,148
429	Doniphan	Troy Public Schools	13,545	-26,369	-12,824
115	Nemaha	Nemaha Central	0	-15,619	-15,619
498	Marshall	Valley Heights	24,965	-41,096	-16,132
479	Anderson	Crest	0	-17,519	-17,519
338	Jefferson	Valley Falls	23,067	-40,674	-17,607
109	Republic	Republic County	0	-17,794	-17,794
461	Wilson	Neodesha	46,331	-65,813	-19,482
365	Anderson	Garnett	82,131	-101,643	-19,512
449	Leavenworth	Easton	28,299	-48,002	-19,703
107	Jewell	Rock Hills	0	-21,459	-21,459
349	Stafford	Stafford	6,337	-28,705	-22,367
337	Jackson	Royal Valley	41,950	-66,459	-24,509
462	Cowley	Central	17,280	-42,065	-24,785
378	Riley	Riley County	45,573	-70,468	-24,895
360	Sumner	Caldwell	10,773	-35,950	-25,177



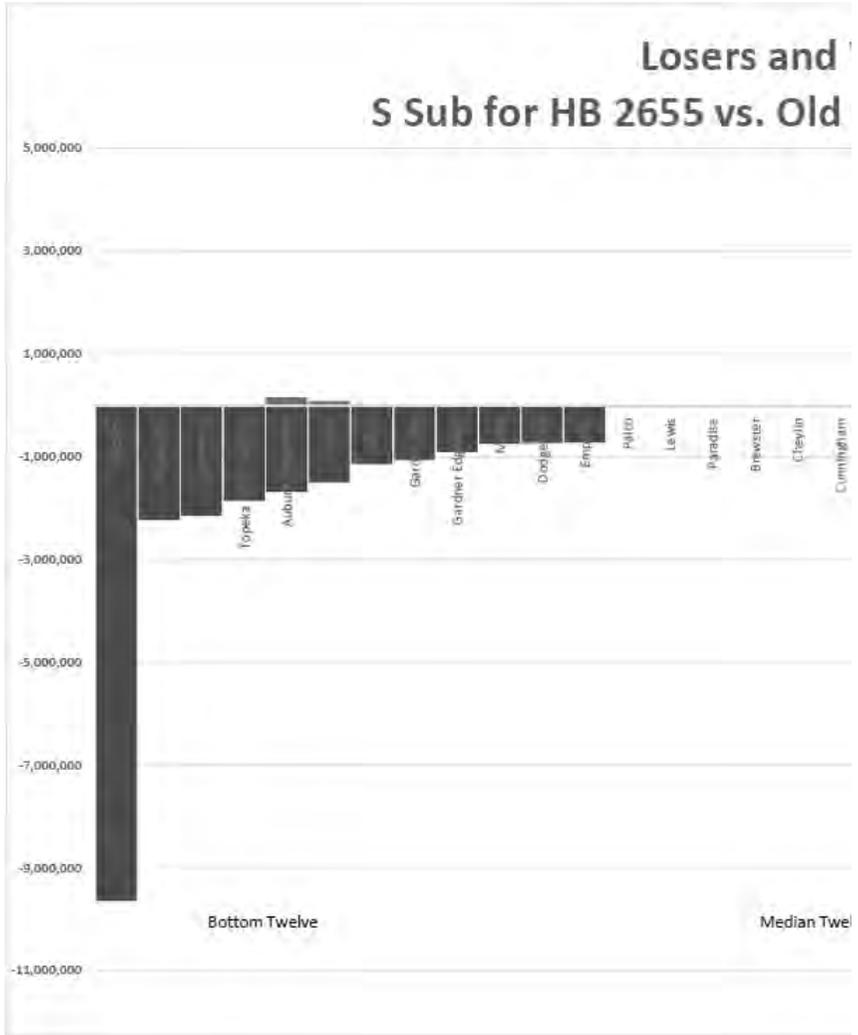
			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
			Calculated		
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
426	Republic	Pike Valley	8,614	-38,185	-29,571
496	Pawnee	Pawnee Heights	0	-30,949	-30,949
481	Dickinson	Rural Vista	0	-32,301	-32,301
493	Cherokee	Columbus	34,756	-68,315	-33,559
387	Wilson	Altoona-Midway	0	-39,888	-39,888
335	Jackson	North Jackson	3,723	-48,855	-45,132
430	Brown	South Brown County	39,756	-85,243	-45,487
311	Reno	Pretty Prairie	12,863	-59,709	-46,845
240	Ottawa	Twin Valley	29,667	-77,676	-48,009
334	Cloud	Southern Cloud	0	-49,047	-49,047
294	Decatur	Oberlin	0	-49,926	-49,926
440	Harvey	Halstead	24,940	-78,075	-53,135
272	Mitchell	Waconda	0	-53,812	-53,812
239	Ottawa	North Ottawa County	-29,753	-25,092	-54,846
105	Rawlins	Rawlins County	5,221	-60,309	-55,087
315	Thomas	Colby Public Schools	44,730	-101,805	-57,075
380	Marshall	Vermillion	30,491	-88,829	-58,337
492	Butler	Flinthills	5,625	-64,096	-58,471
415	Brown	Hiawatha	0	-58,914	-58,914
316	Thomas	Golden Plains	0	-62,815	-62,815
456	Osage	Marais Des Cygnes Valley	0	-64,595	-64,595
237	Smith	Smith Center	11,968	-78,380	-66,411
102	Gray	Cimmaron-Ensign	18,267	-87,804	-69,537
467	Wichita	Leoti	0	-69,661	-69,661
329	Wabaunsee	Mill Creek Valley	9,206	-80,562	-71,356
299	Lincoln	Sylvan Grove	0	-72,558	-72,558
110	Phillips	Thunder Ridge Schools	1,237	-77,117	-75,880
463	Cowley	Udall	14,687	-90,872	-76,185
225	Meade	Fowler	0	-76,428	-76,428
361	Harper	Anthony-Harper	0	-80,374	-80,374
344	Linn	Pleasanton	18,628	-100,193	-81,566
307	Saline	Eli-Saline	33,772	-117,641	-83,869
243	Coffey	Lebo-Waverly	8,467	-100,949	-92,482
446	Montgomery	Independence	70,276	-163,324	-93,048
423	McPherson	Moundridge	0	-108,769	-108,769
379	Clay	Clay Center	-78,661	-41,669	-120,330
364	Marshall	Marysville	0	-132,249	-132,249
377	Atchison	Atchison Co Comm Schools	4,289	-142,627	-138,338
223	Washington	Barnes	0	-140,253	-140,253

S Sub for HB 2655					
New LOB Formula and Hold Harmless					
D	E	F	G	H	I
Gain/Loss in LOB Aid	Gain/Loss in Capital Outlay Aid	New Formula Gain/Loss in Aid	Hold Harmless Payment	Total Aid Gain/Loss in Aid	Difference Between Old Formulas and S Sub for HB2655
		Calculated (D + E)		Calculated (F + G)	Calculated (H - C)
SF16-126 Col 4	SF16-117 Col 4		SF16-133 Col 4		
-152,081	8,614	-143,467	143,467	0	29,571
-85,280	0	-85,280	85,280	0	30,949
-141,353	0	-141,353	141,353	0	32,301
-387,249	34,756	-352,494	352,494	0	33,559
-39,888	0	-39,888	39,888	0	39,888
-160,826	3,723	-157,103	157,103	0	45,132
-252,507	39,756	-212,752	212,752	0	45,487
-164,188	12,863	-151,324	151,324	0	46,848
-258,276	29,667	-228,609	228,609	0	48,009
-119,683	0	-119,683	119,683	0	49,047
-49,926	0	-49,926	49,926	0	49,926
-291,933	24,940	-266,992	266,992	0	53,133
-197,983	0	-197,983	197,983	0	53,812
-222,723	-29,753	-252,476	252,476	0	54,846
-218,936	5,221	-213,715	213,715	0	55,087
-457,878	44,730	-413,148	413,148	0	57,079
-260,333	30,491	-229,841	229,841	0	58,337
-170,372	5,625	-164,747	164,747	0	58,471
-197,162	0	-197,162	197,162	0	58,914
-162,331	0	-162,331	162,331	0	62,813
-155,879	0	-155,879	155,879	0	64,595
-274,626	11,968	-262,658	262,658	0	66,411
-285,031	18,267	-266,764	266,764	0	69,537
-157,678	0	-157,678	157,678	0	69,661
-290,683	9,206	-281,477	281,477	0	71,356
-72,558	0	-72,558	72,558	0	72,558
-205,051	1,237	-203,813	203,813	0	75,880
-206,438	14,687	-191,751	191,751	0	76,185
-89,000	0	-89,000	89,000	0	76,428
-80,374	0	-80,374	80,374	0	80,374
-192,875	18,628	-174,247	174,247	0	81,566
-252,817	33,772	-219,044	219,044	0	83,869
-270,076	8,467	-261,609	261,609	0	92,482
-627,014	70,276	-556,737	556,737	0	93,048
-121,534	0	-121,534	121,534	0	108,769
-369,689	-78,661	-448,351	448,351	0	120,330
-173,754	0	-173,754	173,754	0	132,249
-434,626	4,289	-430,337	430,337	0	138,338
-175,837	0	-175,837	175,837	0	140,253

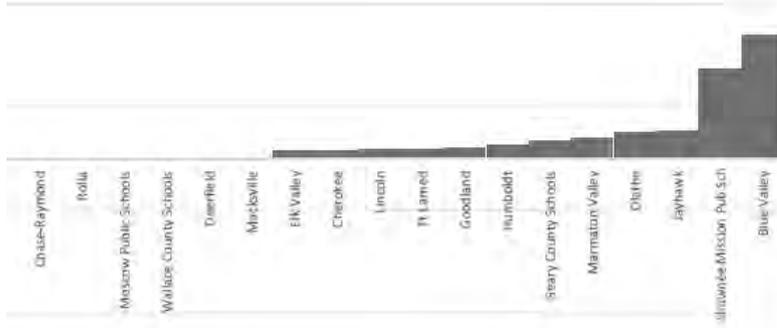
			<b>RETURN TO OLD FORMULAS Supreme Court Safe Harbor</b>		
			<b>A</b>	<b>B</b>	<b>C</b>
			<b>Gain/Loss in Capital Outlay Aid</b>	<b>Gain/Loss in LOB Aid</b>	<b>Total Gain/Loss in Aid</b>
					Calculated
USD#	County Name	USD Name	SF16-126 Col 4	SF16-116 Col 4	( A + B )
234	Bourbon	Fort Scott	-28,319	-112,514	-140,833
283	Elk	Elk Valley	0	-141,713	-141,713
247	Crawford	Cherokee	15,868	-166,473	-150,605
298	Lincoln	Lincoln	-10,762	-151,278	-162,041
495	Pawnee	Ft Larned	-74,248	-94,812	-169,060
352	Sherman	Goodland	-22,702	-185,127	-207,828
258	Allen	Humboldt	59,573	-307,364	-247,791
475	Geary	Geary County Schools	-154,601	-180,051	-334,652
256	Allen	Marmaton Valley	0	-400,146	-400,146
233	Johnson	Olathe	557,018	-1,055,910	-498,892
346	Linn	Jayhawk	-27,233	-512,901	-540,133
512	Johnson	Shawnee Mission Pub Sch	0	-1,737,506	-1,737,506
229	Johnson	Blue Valley	0	-2,407,372	-2,407,372
<b>TOTALS</b>			<b>23,489,840</b>	<b>14,512,479</b>	<b>38,002,319</b>

**S Sub for HB 2655**  
**New LOB Formula and Hold Harmless**

D	E	F	G	H	I
Gain/Loss in LOB Aid	Gain/Loss in Capital Outlay Aid	New Formula Gain/Loss in Aid	Hold Harmless Payment	Total Aid Gain/Loss in Aid	Difference Between Old Formulas and S Sub for HB2655
		Calculated		Calculated	Calculated
SF16-126 Col 4	SF16-117 Col 4	(D + E)	SF16-133 Col 4	(F + G)	(H - C)
-429,972	-28,319	-458,290	458,290	0	140,833
-256,179	0	-156,179	256,179	0	341,713
-369,680	15,868	-353,812	353,812	0	150,605
-327,143	-10,762	-337,905	337,905	0	162,041
-389,566	-74,248	-463,813	463,813	0	169,060
-568,624	-22,702	-591,325	591,325	0	207,828
-485,907	59,573	-426,335	426,335	0	247,791
-1,363,276	-154,601	-1,517,877	1,517,877	0	334,652
-400,146	0	-400,146	400,146	0	400,146
-9,573,361	557,018	-9,018,343	9,018,343	0	498,892
-660,809	-27,233	-688,042	688,042	0	540,133
-3,040,285	0	-3,040,285	3,040,285	0	1,737,506
-2,407,372	0	-2,407,372	2,407,372	0	2,407,372
		0			
82,908,792	23,489,840	-59,418,952	61,792,947	2,373,994	35,628,324



## Winners: Formulas (Safe Harbor)



Ive

Top Twelve

**CONSIDERATION OF APPOINTMENTS**

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committees on Federal and State Affairs, Financial Institutions and Insurance Judiciary and Public Health and Welfare.

*By the Governor*

On the appointment to the:

*State Board of Indigents Defense Services:*

Paul Beck, Term ends January 15, 2019.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Robba Moran, Term ends March 15, 2018.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Human Rights Commission:*

Melvin Neufeld, Term ends January 15, 2020.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Human Rights Commission:*

Harold Schorn, Term ends January 15, 2018.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Mark Uhlig, Term ends March 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Lottery Commission:*

James Washington, Term ends March 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Banking Board:*

Brian Weisel, Term ends March 15, 2018

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The appointment was confirmed.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1785—

A RESOLUTION congratulating and commending Lauren Browning on receiving a 2016 Prudential Spirit of Community Award for exemplary volunteer service.

WHEREAS, Lauren Browning, an esteemed resident of Overland Park, Kansas, and a student at Blue Valley Southwest High School, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated extraordinary commitment to serving their communities; and

WHEREAS, Lauren Browning began painting faces at community events when she was nine years old to benefit children with cancer. She now oversees an organization called "Faces of Hope," which currently has 10 trained volunteers who paint as many as 3,500 faces a year. Lauren and her staff paint, for free, at numerous community events throughout the year, with an emphasis on events that benefit the fight against childhood cancer. They also paint faces at private functions in exchange for donations to cancer-related charities, sometimes raising as much as \$500 in a single day; and

WHEREAS, The success of the State of Kansas, the strength of our communities and the overall vitality of American society depend, in great measure, upon the dedication of young people like Lauren Browning who use their considerable talents and resources to serve others: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Lauren Browning on receiving a 2016 Spirit of Community Award and recognize her outstanding record of volunteer service, peer leadership and community spirit. We extend our best wishes for her continued leadership and success; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Lauren Browning.

On emergency motion of Senator Melcher **SR 1785** was adopted by voice vote.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Longbine moved the Senate concur in House amendments to **H Sub SB 55**.

**H Sub SB 55**, AN ACT concerning health care facilities; relating to correction orders; civil penalties; amending K.S.A. 2015 Supp. 39-945 and 39-946 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **Sub SB 99**.

**Sub SB 99**, AN ACT concerning the uniform act regulating traffic; relating to height, weight and length of vehicles and loads; exceptions to maximums; amending K.S.A. 8-1905 and 8-1909 and K.S.A. 2015 Supp. 8-1904 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 367** 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 3, in line 1, by striking "two months" and inserting "one month"; in line 2, by striking "four" and inserting "three"; in line 6, after the period by inserting "When the court extends the term of probation for a juvenile offender, the court services officer or community correctional services officer responsible for monitoring such juvenile offender shall record the reason given for extending probation. Court services officers shall report such records to the office of judicial administration, and community correctional services officers shall report such records to the department of corrections. The office of judicial administration and the department of corrections shall report such recorded data to the Kansas juvenile justice oversight committee on a quarterly basis.";

On page 6, by striking all in line 36; following line 39, by inserting:

"(F) the requirement for youth residential facilities to maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case;"

On page 7, in line 2, after "identify" by inserting "evidence-based"; in line 23, by striking "and"; in line 26, by striking "attorney" and inserting "attorneys"; also in line 26, after "training" by inserting "; and

(8) data received from the office of judicial administration and the department of corrections, pursuant to section 1, and amendments thereto, pertaining to extensions of probation for juvenile offenders and an analysis of such data to identify how probation extensions are being used and conclusions regarding the effectiveness of such extensions";

On page 58, in line 29, by striking "a" and inserting "an evidence-based";

On page 59, in line 32, by striking "7" and inserting "6";

On page 65, in line 31, before "secretary" by inserting "office of judicial administration and the"; also in line 31, by striking all after "corrections"; by striking all in line 32;

On page 66, in line 27, by striking "a" and inserting "an"; in line 28, by striking "felony";

On page 108, by striking all in lines 31 through 43;

On page 109, by striking all in lines 1 through 22 and inserting:

"Sec. 61. K.S.A. 75-3722, as amended by section 111 of 2016 House Substitute for Senate Bill No. 161, is hereby amended to read as follows: 75-3722. (a) An allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, and amendments thereto, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including:

- (1) Available resources;
- (2) current spending rates;
- (3) work loads;
- (4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations;
- (5) the minimum current needs of each agency;
- (6) requests for deficiency appropriations in prior fiscal years;
- (7) unexpended and unencumbered balances; and
- (8) revenue collection rates and prospects.

(b) Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as he or she may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year.

(c) (1) The allotment system shall not apply to the legislature or to the courts or their officers and employees, or to payments made from the juvenile justice improvement fund, established in section 13, and amendments thereto, for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families. During the fiscal year ending June 30, 2017, the allotment system provided by this section shall not apply to any item of appropriation for employer contributions for the state of Kansas and participating employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto.

(2) Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least 30 days before such decisions may become effective and any affected agency may, by written request addressed to the governor within 10 days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within 20 days after the governor receives requests for such hearings.";

On page 119, in line 10, after "75-3722" by inserting ", as amended by section 111 of 2016 House Substitute for Senate Bill No. 161,"; in line 12, by striking the fourth comma;

On page 1, in the title, in line 2, after "75-3722" by inserting ", as amended by section 111 of 2016 House Substitute for Senate Bill No.161,";

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

RAMON GONZALEZ

BLAINE FINCH

BOOG HIGHBERGER

*Conferees on part of House*

GREG SMITH

FORREST KNOX

PAT PETTEY

*Conferees on part of Senate*

Senator Smith moved the Senate adopt the Conference Committee Report on **SB 367**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2563** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2;

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

"Section 1. K.S.A. 2015 Supp. 8-197 is hereby amended to read as follows: 8-197.

(a) The provisions of K.S.A. 8-197 to 8-199, inclusive, and amendments thereto, shall be a part of and supplemental to the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and as used in such sections, the words and phrases defined by K.S.A. 8-126, and amendments thereto, shall have the meanings respectively ascribed to them therein.

(b) As used in K.S.A. 8-197 through 8-199, and amendments thereto:

(1) (A) "Nonhighway vehicle" means:

(i) Any motor vehicle which cannot be registered because it is not manufactured for the purpose of using the same on the highways of this state and is not provided with the equipment required by state statute for vehicles of such type which are used on the highways of this state;

(ii) any motor vehicle, other than a salvage vehicle, for which the owner has not provided motor vehicle liability insurance coverage or an approved self insurance plan under K.S.A. 40-3104, and amendments thereto, and has not applied for or obtained registration of such motor vehicle in accordance with article 1 of chapter 8 of the

Kansas Statutes Annotated, and amendments thereto;

(iii) any all-terrain vehicle;  
 (iv) any work-site utility vehicle;  
 (v) any micro utility truck; ~~or~~  
 (vi) recreational off-highway vehicle; or  
 (vii) any travel trailer which cannot be registered because it is not manufactured for the purpose of using the travel trailer on the highways of this state and is not provided with the equipment by state statute for travel trailers which are used on the highways of this state; and

(B) "nonhighway vehicle" shall not include an implement of husbandry, as defined in K.S.A. 8-126, and amendments thereto.

(2) "Salvage vehicle" means:

(A) Any motor vehicle, other than a late model vehicle, which is of a type required to be registered in this state, but which cannot be registered because it has been wrecked or damaged to the extent that: The equipment required by state statute on any such vehicle used on the highways of this state is not present or is not in good condition or proper adjustment, as prescribed by state statute or any rules and regulations adopted pursuant thereto, or such vehicle is in an inoperable condition or a condition that would render the operation thereof on the highways of this state a hazard to the public safety; and in either event, such vehicle would require substantial repairs to rebuild or restore such vehicle to a condition which will permit the registration thereof;

(B) a late model vehicle which is of a type required to be registered in this state and which has been wrecked or damaged to the extent that the total cost of repair is 75% or more of the fair market value of the motor vehicle immediately preceding the time it was wrecked or damaged and such condition was not merely exterior cosmetic damage to such vehicle as a result of windstorm or hail; ~~or~~

(C) a motor vehicle, which is of a type required to be registered in this state that the insurer determines is a total loss and for which the insurer takes title; or

(D) a travel trailer which is of a type required to be registered in this state, but which cannot be registered because it has been wrecked or damaged to the extent that: (i) The equipment required by state statute on any such travel trailer used on the highways of this state is not present or is not in good condition or proper adjustment, as prescribed by state statute or any rules and regulations; or (ii) such travel trailer is in an inoperable condition or a condition that would render the operation on the highways of this state a hazard to the public safety; and in either event, such travel trailer would require substantial repairs to rebuild or restore to a condition which will permit the registration of the travel trailer;

(3) "salvage title" means a certificate of title issued by the division designating a motor vehicle or travel trailer a salvage vehicle;

(4) "rebuilt salvage vehicle" means any motor vehicle or travel trailer previously issued a salvage title;

(5) "rebuilt salvage title" means a certificate of title issued by the division for a vehicle previously designated a salvage vehicle which is now designated a rebuilt salvage vehicle;

(6) "late model vehicle" means any motor vehicle which has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked or damaged or any of the six preceding years;

(7) "fair market value" means the retail value of a motor vehicle as:

(A) Set forth in a current edition of any nationally recognized compilation, including an automated database of retail value; or

(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

(8) "cost of repairs" means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for automobile repairs that are customary and reasonable. Retail costs of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the automobile industry. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing or reinstalling tires, sound systems, or any sales tax on parts or materials to rebuild or reconstruct the vehicle.

Sec. 2. K.S.A. 2015 Supp. 8-198 is hereby amended to read as follows: 8-198. (a) A nonhighway or salvage vehicle shall not be required to be registered in this state, as provided in K.S.A. 8-135, and amendments thereto, but nothing in this section shall be construed as abrogating, limiting or otherwise affecting the provisions of K.S.A. 8-142, and amendments thereto, which make it unlawful for any person to operate or knowingly permit the operation in this state of a vehicle required to be registered in this state.

(b) Upon the sale or transfer of any nonhighway vehicle or salvage vehicle, the purchaser thereof shall obtain a nonhighway certificate of title or salvage title, whichever is applicable, in the following manner:

(1) If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, and a certificate of title has not been issued for such vehicle under this section or under the provisions of K.S.A. 8-135, and amendments thereto, such transferor shall make application for and assign a nonhighway certificate of title or a salvage title, whichever is applicable, to the purchaser of such nonhighway vehicle or salvage vehicle in the same manner and under the same conditions prescribed by K.S.A. 8-135, and amendments thereto, for the application for and assignment of a certificate of title thereunder. Upon the assignment thereof, the purchaser shall make application for a new nonhighway certificate of title or salvage title, as provided in subsection (c) or (d).

(2) Except as provided in ~~subsection (b)~~ of K.S.A. 8-199**(b)**, and amendments thereto, if a certificate of title has been issued for any such vehicle under the provisions of K.S.A. 8-135, and amendments thereto, the owner of such nonhighway vehicle or salvage vehicle may surrender such certificate of title to the division of vehicles and make application to the division for a nonhighway certificate of title or salvage title, whichever is applicable, or the owner may obtain from the county treasurer's office a form prescribed by the division of vehicles and, upon proper execution thereof, may assign the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached to the purchaser of the nonhighway vehicle or salvage vehicle. Upon receipt of the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached, the purchaser shall make application for a new nonhighway certificate of title or salvage title, whichever is applicable, as provided in subsection (c) or (d).

(3) If the transferor is not a vehicle dealer, as defined in K.S.A. 8-2401, and

amendments thereto, and a certificate of title has not been issued for the vehicle under this section or a certificate of title was not required under K.S.A. 8-135, and amendments thereto, the transferor shall make application to the division for a nonhighway certificate of title or salvage title, whichever is applicable, as provided in this section, except that in addition thereto, the division shall require a bill of sale or such transferor's affidavit, with at least one other corroborating affidavit, that such transferor is the owner of such nonhighway vehicle or salvage vehicle. If the division is satisfied that the transferor is the owner, the division shall issue a nonhighway certificate of title or salvage title, whichever is applicable, for such vehicle, and the transferor shall assign the same to the purchaser, who shall make application for a new nonhighway certificate of title or salvage title, whichever is applicable, as provided in subsection (c) or (d).

(c) Every purchaser of a nonhighway vehicle, whether assigned a nonhighway certificate of title or a regular certificate of title with the form specified in ~~paragraph (2)~~ of subsection (b)(2) attached, shall make application to the county treasurer of the county in which such person resides for a new nonhighway certificate of title in the same manner and under the same conditions as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under ~~subsection (c)(1)~~ of K.S.A. 8-135(c)(1), and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for a nonhighway certificate of title is made is a nonhighway vehicle and other provisions the director deems necessary. Each application for a nonhighway certificate of title shall be accompanied by a fee of \$10, and if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of \$2.

(d) (1) Except as otherwise provided by this section, the owner of a vehicle that meets the definition of a salvage vehicle shall apply for a salvage title before the ownership of the motor vehicle or travel trailer is transferred. In no event shall such application be made more than 60 days after the vehicle is determined to be a salvage vehicle.

(2) Every insurance company, which pursuant to a damage settlement, acquires ownership of a vehicle that has incurred damage requiring the vehicle to be designated a salvage vehicle, shall apply for a salvage title within 60 days after the title is assigned and delivered by the owner to the insurance company, with all liens released. In the event that an insurance company is unable to obtain voluntary assignment of the title after 30 days from the date the vehicle owner enters into an oral or written damage settlement agreement where the owner agrees to transfer the title, the insurance company may submit an application on a form prescribed by the division for a salvage title. The form shall be accompanied by an affidavit from the insurance company stating that: (A) The insurance company is unable to obtain a transfer of the title from the owner following an oral or written acceptance of an offer of damage settlement; (B) there is evidence of the damage settlement; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer

and the owner has not delivered a written objection to the insurance company.

(3) Every insurance company which makes a damage settlement for a vehicle that has incurred damage requiring such vehicle to be designated a salvage vehicle, but does not acquire ownership of the vehicle, shall notify the vehicle owner of the owner's obligation to apply for a salvage title for the motor vehicle or travel trailer, and shall notify the division of this fact in accordance with procedures established by the division. The vehicle owner shall apply for a salvage title within 60 days after being notified by the insurance company.

(4) The lessee of any vehicle which incurs damage requiring the vehicle to be designated a salvage vehicle shall notify the lessor of this fact within 30 days of the determination that the vehicle is a salvage vehicle.

(5) The lessor of any motor vehicle or travel trailer which has incurred damage requiring the vehicle to be titled as a salvage vehicle, shall apply for a salvage title within 60 days after being notified of this fact by the lessee.

(6) Every person acquiring ownership of a motor vehicle or travel trailer that meets the definition of a salvage vehicle, for which a salvage title has not been issued, shall apply for the required document prior to any further transfer of such vehicle, but in no event, more than 60 days after ownership is acquired.

(7) Every purchaser of a salvage vehicle, whether assigned a salvage title or a regular certificate of title with the form specified in ~~paragraph (2) of subsection (b)(2)~~ attached, shall make application to the county treasurer of the county in which such person resides for a new salvage title, in the same manner and under the same condition as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under ~~subsection (e)(1) of K.S.A. 8-135(c)(1)~~, and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for salvage title is made is a salvage vehicle, and other provisions the director deems necessary. Each application for a salvage title shall be accompanied by a fee of \$10 and if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of \$2.

(8) Failure to apply for a salvage title as provided by this subsection shall be a class C nonperson misdemeanor.

(e) A nonhighway certificate of title or salvage title shall be in form and color as prescribed by the director of vehicles. A nonhighway certificate of title or salvage title shall indicate clearly and distinctly on its face that it is issued for a nonhighway vehicle or salvage vehicle, whichever is applicable. A nonhighway certificate of title or salvage title shall contain substantially the same information as required on a certificate of title issued under K.S.A. 8-135, and amendments thereto, and other information the director deems necessary.

(f) (1) A nonhighway certificate of title or salvage title may be transferred in the same manner and under the same conditions as prescribed by K.S.A. 8-135, and amendments thereto, for the transfer of a certificate of title, except as otherwise provided in this section. A nonhighway certificate of title or salvage title may be assigned and transferred only while the vehicle remains a nonhighway vehicle or salvage vehicle.

(2) Upon transfer or sale of a nonhighway vehicle in a condition which will allow the registration of such vehicle, the owner shall assign the nonhighway certificate of title to the purchaser, and the purchaser shall obtain a certificate of title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No regular certificate of title shall be issued for a vehicle for which there has been issued a nonhighway certificate of title until there has been compliance with K.S.A. 8-116a, and amendments thereto.

(3) (A) Upon transfer or sale of a salvage vehicle which has been rebuilt or restored or is otherwise in a condition which will allow the registration of such vehicle, the owner shall assign the salvage title to the purchaser, and the purchaser shall obtain a rebuilt salvage title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No rebuilt salvage title shall be issued for a vehicle for which there has been issued a salvage title until there has been compliance with K.S.A. 8-116a, and amendments thereto, and the notice required in ~~paragraph (3)(B) of this subsection~~ (f)(3)(B) has been attached to such vehicle.

(B) As part of the inspection for a rebuilt salvage title conducted under K.S.A. 8-116a, and amendments thereto, the Kansas highway patrol shall attach a notice affixed to the left door frame of the rebuilt salvage vehicle indicating the vehicle identification number of such vehicle and that such vehicle is a rebuilt salvage vehicle. In addition to any fee allowed under K.S.A. 8-116a, and amendments thereto, a fee of \$5 shall be collected from the owner of such vehicle requesting the inspection for the notice required under this paragraph. All moneys received under this paragraph shall be remitted in accordance with ~~subsection (e) of K.S.A. 8-116a(e)~~, and amendments thereto.

(C) Failure to apply for a rebuilt salvage title as provided by this paragraph shall be a class C nonperson misdemeanor.

(g) The owner of a salvage vehicle which has been issued a salvage title and has been assembled, reconstructed, reconstituted or restored or otherwise placed in an operable condition may make application to the county treasurer for a permit to operate such vehicle on the highways of this state over the most direct route from the place such salvage vehicle is located to a specified location named on the permit and to return to the original location. No such permit shall be issued for any vehicle unless the owner has motor vehicle liability insurance coverage or an approved self-insurance plan under K.S.A. 40-3104, and amendments thereto. Such permit shall be on a form furnished by the director of vehicles and shall state the date the vehicle is to be taken to the other location, the name of the insurer, as defined in K.S.A. 40-3103, and amendments thereto, and the policy number or a statement that the vehicle is included in a self-insurance plan approved by the commissioner of insurance, a statement attesting to the correctness of the information concerning financial security, the vehicle identification number and a description of the vehicle. Such permit shall be signed by the owner of the vehicle. The permit shall be carried in the vehicle for which it is issued and shall be displayed so that it is visible from the rear of the vehicle. The fee for such permit shall be \$1 which shall be retained by the county treasurer, who shall annually forward 25% of all such fees collected to the division of vehicles to reimburse the division for administrative expenses, and shall deposit the remainder in a special fund for expenses of issuing such permits.

(h) A nonhighway vehicle or salvage vehicle for which a nonhighway certificate of

title or salvage title has been issued pursuant to this section shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101 to 40-3121, inclusive, and amendments thereto, except when such vehicle is being operated pursuant to subsection (g). Any person who knowingly makes a false statement concerning financial security in obtaining a permit pursuant to subsection (g), or who fails to obtain a permit when required by law to do so is guilty of a class C misdemeanor.

(i) Any person who, on July 1, 1996, is the owner of an all-terrain vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such all-terrain vehicle, unless the person transfers an interest in such all-terrain vehicle.

(j) Any person who, on July 1, 2006, is the owner of a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such work-site utility vehicle, unless the person transfers an interest in such work-site utility vehicle.

Sec. 3. K.S.A. 8-199 is hereby amended to read as follows: 8-199. (a) Except as provided in subsection (b), it shall be unlawful for any person to sell or transfer the ownership of any nonhighway vehicle or salvage vehicle, unless such person shall give to the purchaser thereof an assigned nonhighway certificate of title or salvage title.

(b) The sale or transfer of ownership of a nonhighway vehicle or salvage vehicle shall include the acquisition of any such vehicle by an insurer, as defined by K.S.A. 40-3103, and amendments thereto, from any person upon payment of consideration therefor in satisfaction of such insurer's obligation under a policy of motor vehicle insurance but the transferor of a vehicle for which a title has been issued under K.S.A. 8-135, and amendments thereto, shall not be required to obtain a nonhighway certificate of title or salvage title for such vehicle and may assign to the insurer the certificate of title issued pursuant to K.S.A. 8-135, and amendments thereto. It shall be unlawful for any insurer to sell or attempt to sell any nonhighway vehicle or salvage vehicle, through power of attorney or otherwise, unless such insurer shall obtain a nonhighway certificate of title or salvage title issued in the name of the insurer.

(c) Any person, firm, company, corporation, partnership, association or other legal entity who violates the provisions of this section shall be guilty of a class C misdemeanor.

(d) Nothing in this act shall be construed as relieving any person of the payment of the tax imposed on the sale of a motor vehicle or travel trailer pursuant to K.S.A. 79-3603, and amendments thereto.";

Also on page 3, in line 3, before "K.S.A." by inserting "K.S.A. 8-199 and"; also in line 3, by striking "8-235 is" and inserting "8-197 and 8-198 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "motor"; also in line 1, by striking all after "to"; in line 2, by striking all before the semicolon and inserting "travel trailers"; also in line 2, after "amending" by inserting "K.S.A. 8-199 and"; in line 3, by striking "8-235" and inserting "8-197 and 8-198"; also in line 3, by striking "section" and inserting "sections";

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

*Conferees on part of Senate*

RICHARD PROEHL

RON RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2563**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Knox the following report was adopted:

**HB 2571** be amended by motion of Senator O'Donnell: on page 3, in line 10, by striking "statute book" and inserting "Kansas register" and the bill be passed as amended..

An amendment was offered by Senator LaTurner. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion to reconsider Senator O'Donnell's amendment failed.

**HB 2558** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**S Sub HB 2479** be passed over and retain a place on the calendar.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2558**, **HB 2571** were advanced to Final Action and roll call.

**HB 2571**, AN ACT concerning community mental health centers; relating to license renewal; amending K.S.A. 2015 Supp. 75-3307b and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Longbine.

The bill passed, as amended.

**HB 2558**, AN ACT concerning elections; amending K.S.A. 2015 Supp. 25-21a01 and 80-2508 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Longbine.

The bill passed, as amended.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 390**.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 224** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 280** and requested a conference committee be appointed.

The Vice President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 326** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as a conference committee on the part of the Senate.

#### **CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Ostmeyer as a member of the Conference Committee on **HB 2502** to replace Senator King.

The Vice President announced the appointment of Senator LaTurner as a member of the Conference Committee on **HB 2502** to replace Senator Smith.

The Vice President announced the appointment of Senator Faust-Goudeau as a member of the Conference Committee on **HB 2502** to replace Senator Haley.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

Senators Wagle, Bruce and Hensley introduced the following Senate Concurrent Resolution which was read:

SENATE CONCURRENT RESOLUTION No. 1613—

A CONCURRENT RESOLUTION relating to the 2016 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:* That the 2016 regular session of the legislature shall be extended beyond 90 calendar days; and

*Be it further resolved:* That the legislature shall adjourn at the close of business of the daily session convened on March 24, 2016, and shall reconvene at 10:00 a.m. on April 27, 2016; and

*Be it further resolved:* That the legislature may adjourn and reconvene at any time during the period on and after April 27, 2016, to June 1, 2016, but the legislature shall reconvene at 10:00 a.m. on June 1, 2016, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on June 1, 2016; and

*Be it further resolved:* That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Bruce **SCR 1613** was adopted by voice vote.

**REPORT ON ENROLLED BILLS**

**SR 1784, SR 1785** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 24, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, April 27, 2016.

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 27, 2016, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You bless us to take pauses...recesses...times when the demands of work are somewhat relaxed. We thank You for the breaks and pray that You're bringing us back recharged. But Lord, those of us that are driven...and determined, can sometimes find it hard to just stop and rest...to stop the busyness and get replenished. So teach us to have healthy margins on the pages of our lives. Deliver us from the stress and potential burn-out of life's pages being filled to the edges. Lord, there is always more work to do and more opportunities to pursue. But before we take on one more thing, help us turn these marginal moments of prayer into an ongoing habit. In Mark 6:31, the disciples were so busy, trying to meet people's needs, that they didn't even have a chance to eat. But the Lord said to them "Come with Me, by yourselves, to a quiet place and get some rest." Teach us to have some quiet, white space times with You. Prompt us to be intentional...to take time to get away from everything and everybody, and get alone with You. You said that You would direct us and clear the path of progress, if we come to You with everything we do. (Proverbs 3:5-6) So, deliver us Lord, from the busyness that keeps us from spending time with You. I offer this prayer, in the blessed name of Jesus, Amen

The Pledge of Allegiance was led by Vice President King.

## INTRODUCTION OF BILLS AND SENATE CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 517**, AN ACT reconciling amendments to certain statutes: amending K.S.A. 2015 Supp. 44-706 and repealing the existing section; also repealing K.S.A. 2015 Supp. 17-7673b, 17-7674b, 17-7677b, 38-2310a, 44-706c, 59-29a24a and 65-2895a, by Committee on Ways and Means.

## MESSAGES FROM THE GOVERNOR

**Sub SB 103, SB 358, SB 369** signed into law March 23, 2016.

**SB 329, SB 330, SB 412** signed into law March 24, 2016.

**SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459** signed into law March 31, 2016.

**SB 314, SB 443, SB 484, SB 485, Sub SB 99, H Sub SB 55** signed into law April 6, 2016.

**SB 367** signed into law April 11, 2016.

### **SB 338 – Veto Message from the Governor**

The right to private property serves as a central pillar of the American constitutional tradition. It has long been considered essential to our basic understanding of civil and political rights. Property rights serve as a foundation to our most basic personal liberties. One of government's primary purposes is to protect the property rights of individuals.

The purpose of **Senate Bill 338**, to help create safer communities, is laudable. However, in this noble attempt, the statute as written takes a step too far. The broad definition of blighted or abandoned property would grant a nearly unrestrained power to municipalities to craft zoning laws and codes that could unjustly deprive citizens of their property rights. The process of granting private organizations the ability to petition the courts for temporary and then permanent ownership of the property of another is rife with potential problems.

Throughout the country, we have seen serious abuse where government has broadened the scope of eminent domain, especially when private development is involved. The use of eminent domain for private economic development should be limited in use, not expanded. **Senate Bill 338** opens the door for serious abuse in Kansas. Governmental authority to take property from one private citizen and give to another private citizen should be limited, but this bill would have the effect of expanding such authority without adequate safeguards.

Kansans from across the political spectrum contacted me to discuss their concerns that this bill disparately impact low income and minority neighborhoods. The potential for abuse of this new statutory process cannot be ignored. Government should protect property rights and ensure that the less advantaged are not denied the liberty to which every citizen is entitled.

There is a need to address the ability of municipalities and local communities to effectively maintain neighborhoods for public safety. However, **Senate Bill 338** does much more. Though I am vetoing this bill, I would welcome legislation that empowers local communities to respond to blight and abandoned property that does not open the door to abuse of the fundamental rights of free people.

Dated: April 11, 2016

Signed: SAM BROWNBACK, *Governor*

### **MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **S Sub HB 2655**.

The House adopts the Conference Committee report on **SB 318**.

Announcing adoption of **SCR 1613**.

The House nonconcurrs in Senate amendments to **HB 2502**, requests a conference and has appointed Representatives Pauls, Todd and Scott as conferees on the part of the House.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1786—

A RESOLUTION congratulating and commending the Osage City High School boys' basketball team and Coach Dennis Fort for winning the 2016 KSHSAA Class 3A State Basketball Championship.

WHEREAS, The Osage City High School boys' basketball team won the 2016 Kansas State High School Activities Association (KSHSAA) Class 3A State Basketball Championship with a 56-49 victory over Sabetha High School in the state championship game at the Hutchinson Sports Arena on March 12, 2016; and

WHEREAS, To get to the championship game, the number one-seeded Osage City Indians defeated Wellsville 60-44 in the quarterfinal game and Gypsum-Southeast of Saline 74-45 in the semifinal game; and

WHEREAS, The Osage City Indians basketball team finished the season with a record of 25 wins and 1 loss. This was the third time in the school's history the team had won the state title. The school had previously won the 3A state title in 2000 and the Class B state title in 1965; and

WHEREAS, The members of the championship team include: Derrick Cooley, Jason Cooley, Duncan Fort, Ryan Haskins, Kaleb Irvin, Zach Irvin, Tucker Kimball, Peyton Pearson, Trenton Plinsky, Brett Sage, Joe Schemm, Carter Swindale and Tyson Wilkins; Head Coach Dennis Fort, Assistant Coaches James Bellinger and Jordan Tice; and

WHEREAS, Duncan Fort was named to the Topeka Capital-Journal 2016 All-State and Class 3A first teams, while his father, Coach Dennis Fort, was named All-State Coach of the Year, and Ryan Haskins was named to the Class 3A first team; and

WHEREAS, The team also received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their excellent teamwork, competitive spirit and strong will to win. The team also had the enthusiastic support of the school's administrators, teachers and staff, fellow students, parents and the entire Osage City community: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Osage City High School boys' basketball team and Coach Dennis Fort be congratulated and commended for winning the 2016 KSHSAA Class 3A State Basketball Championship; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to USD 420 Superintendent Troy Hutton and Osage City High School Principal Tony Heward.

On emergency motion of Senator Hensley **SR 1786** was adopted by voice vote.

Senators honored the students, coaches and other guests with a standing ovation.

**CHANGE OF CONFERENCE**

Under the authority of the President, the Vice President announced the appointment of Senator Love as a member of the Conference Committee on **HB 2480** to replace Senator Powell.

Under the authority of the President, the Vice President announced the appointment of Senator Powell as a member of the Conference Committee on **HB 2490** to replace Senator Love.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m..

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 373**.

The House adopts the Conference Committee report on **SB 387**.

The House announced the appointment of Representative Carmichael to replace Representative Frownfelter as a conferee on **HB 2617**.

The House announced the appointment of Representative Finch to replace Representative Pauls as a conferee on **SB 325, S Sub HB 2018, S Sub HB 2049, S Sub HB 2056, HB 2460, HB 2462, HB 2463, HB 2501, HB 2545**.

#### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2615**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2615** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MICHAEL O'DONNELL

ELAINE BOWERS

*Conferees on part of Senate*

DANIEL HAWKINS

WILLIE DOVE

*Conferees on part of House*

On motion of Senator O'Donnell the Senate adopted the conference committee report on **HB 2615**, and requested a new conference be appointed.

The President appointed Senators O'Donnell, Bowers and Kelly as a second Conference Committee on the part of the Senate on **HB 2615**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose of the introduction of a bill.

#### REPORT ON ENROLLED BILLS

**SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459, SB 484, SB 485** reported corrected enrolled, properly signed and presented to the Governor on March 28, 2016.

**H Sub SB 55, Sub SB 99, SB 314, SB 338, SB 367, SB 443** reported correctly enrolled, properly signed and presented to the Governor on April 1, 2016.

**SCR 1613** reported correctly enrolled, properly signed and presented to the Secretary of State on April 27, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, April 28, 2016.

# Journal of the Senate

## FIFTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 28, 2016, 10:00 a.m.

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

Heavenly Father, in view of President Wagle's passionate plea regarding the health of her daughter, we come to You on her behalf. Give the medical profession wisdom and guidance in her daughter's care. And please encourage the family to know that You, more than the doctors, are truly in control. Touch her body as only You can and Lord, please bring healing. Also, as we gather for prayer this morning, many will be gathering for more prayer outside at the noon hour. Franklin Graham is touring the nation and calling us to prayer. But, like the Psalmist said in Psalm 66:18, if we regard iniquity in our hearts, You would not hear us. So, Lord, help Your people, those of us who have put our faith and trust in You, have the positive, refining impact of salt and light in our areas of influence (Matthew 5:13-16). So that the combined prayers of Your people will be a sweet, fragrance to You, that You would hear our prayers and as You said in 2 Chronicles 7:14-15, You would bless and heal our land. Lord, I pray that You put a hedge of protection around all of those involved in the rally this afternoon. Thanks for favorable weather and safe travel. I come before Your precious throne, in the name of Jesus, Amen and Amen

The Pledge of Allegiance was led by Vice President King.

### **POINT OF PERSONAL PRIVILEGE**

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Miss Kansas-USA, Victoria Wiggins. Victoria volunteers with organizations such as Dads Care 2 and Warriors for Ross, as well as encouraging positive self-esteem among youth. She will represent the State of Kansas at the Miss USA Pageant, Sunday June 5, 2016.

Also introduced were her father, Jeffrey Wiggins, and stepmother, Doralene Griffin-Wiggins.

Senators honored Victoria and her guests with a standing ovation.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Ways and Means: **SB 517**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1792—

A RESOLUTION congratulating and commending Bob Davis  
on his outstanding sports broadcasting career and retirement;  
and designating April 28, 2016, as Bob Davis Day.

WHEREAS, Bob Davis was born on May 27, 1944, and grew up in Topeka, Kansas, where he graduated from Topeka West High School and Washburn University. Bob began his career in 1968 at KAYS Radio and TV as a staff announcer, but was soon covering games for Fort Hays State, two local high schools and American Legion Baseball. The Kansas State High School Activities Association recognized him with the Oscar Stauffer Sports Broadcasting Award in 1975 and 1978 for his high school sports broadcasts; and

WHEREAS, Bob Davis began with the Jayhawk Radio Network in the fall of 1984 and broadcast eight of the Jayhawks' 14 NCAA Final Four appearances, including KU's 1988 and 2008 national championships, and half of KU's 12 football bowl games, including the Jayhawks' victory in the 2008 Orange Bowl. He also served for many years as host of the weekly radio show "Hawk Talk," featuring the Jayhawk football and basketball coaches; and

WHEREAS, In 1997, Bob Davis joined the Kansas City Royals' broadcasting team when he was paired with the late Paul Splittorff in the Royals' television booth. Bob continued his broadcasting work for the Royals for 16 seasons until retiring in 2012; and

WHEREAS, Bob Davis called 372 KU men's football games and over 1,160 KU men's basketball games as the Voice of the Jayhawks. Bob retired from broadcasting at KU after the 2015-2016 college basketball season in order to spend more time with his family; and

WHEREAS, Bob Davis was named Kansas Sportscaster of the Year 14 times and is a member of the Kansas Association of Broadcasters (KAB) and the Fort Hays State Athletics and Topeka West High School Graduate Halls of Fame. In 1991, KAB presented him with its Hod Humiston Award for Contributions to Sports Broadcasting. Bob has chaired KAB's Sports Seminar and has judged the Kansas Scholastic Press Association Sports Writing Competition. Bob lectured numerous times at university broadcasting and journalism classes; and

WHEREAS, Bob Davis is married to Linda Michaelis, who attended games he broadcast in Hays, and, after their marriage, became his statistician and spotter. They have a son, Steven, who has broadcast Minor League Baseball games and college and high school games on radio and TV since 2005; a daughter-in-law, Katie; two grandsons, Landon and Will; and a granddaughter, Millie: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Bob Davis on his outstanding sports broadcasting career and retirement; and

*Be it further resolved:* That we designate April 28, 2016, as Bob Davis Day; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1792** was adopted by voice vote. Guests introduced were Bob Davis and Rich Epp. Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1787—

A RESOLUTION commending the Republic of China's (Taiwan's) presidential election; supporting Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and its signing of the Free Trade Agreement (FTA) and the Bilateral Investment Agreement (BIA) with the United States; reaffirming support for increasing Taiwan's international profile; and for strengthening and expanding sister-state ties between Kansas and Taiwan.

WHEREAS, The state of Kansas is proud of the sister-state relationship it has enjoyed with Taiwan since 1989, marked by strong bilateral economic, social and cultural exchange and tourism; and

WHEREAS, Taiwan shares the same values of freedom, democracy, human rights, the rule of law, and peace and prosperity with the state of Kansas and the United States as a whole; and

WHEREAS, On January 16, 2016, Taiwan held its sixth direct presidential election, demonstrating again the strength and vitality of its democratic system and confirming that Taiwan is a beacon of democracy in Asia and beyond; and

WHEREAS, The United States ranks as Taiwan's third-largest trading partner. Taiwan is the tenth-largest trading partner of the United States, and bilateral trade reached \$67.4 billion in value in 2014; and

WHEREAS, Every other year, Taiwan has sent an agricultural trade goodwill mission to the U.S. Midwest region, including Kansas, to demonstrate Taiwan's continuing goodwill and willingness to purchase Kansas agricultural products, and the Kansas agricultural industry has benefited greatly over the past decades from the sale of beef, wheat and corn to Taiwan; and

WHEREAS, Taiwan and the state of Kansas have enjoyed a long and mutually beneficial relationship with the prospect of future growth, with Taiwan ranking as Kansas' third-largest import partner and the thirteenth-largest export market in 2014; and

WHEREAS, Negotiations for a Bilateral Investment Agreement between Taiwan and the United States are an important step toward further strengthening bilateral trade and paving the way for entering into a Free Trade Agreement between our countries, thereby increasing Kansas' exports to Taiwan and creating bilateral investment through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan, seeking to contribute to greater regional integration in the Asia-Pacific region and promoting bilateral investment and trade relations with the United States, applauds the United States' announcement to expand TPP membership in the future to include other countries, such as Taiwan; and

WHEREAS, Taiwan's inclusion in the TPP would contribute substantially to the depth, viability, and quality of the TPP. Taiwan's strong economic weight in the Asia-Pacific region and the world, its well-developed knowledge base and highly skilled

workforce, its vital position along regional supply chains and value chains and its positive economic and strategic gains for all, make Taiwan an ideal candidate-economy for the TPP's expansion: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and support Taiwan's mature and vital democracy; celebrate the 27<sup>th</sup> anniversary of sister-state relations with Taiwan; endorse the signing of the Bilateral Investment Agreement (BIA) and the Free Trade Agreement (FTA) with the United States; and continue to support Taiwan's appropriate participation in international organizations which impact the health, safety and well-being of its people; and

*Be it further resolved:* That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Powell.

On emergency motion of Senator Powell **SR 1787** was adopted by voice vote.

Guests introduced were Foster Lee and Jerry Chang.

Senators honored the guests with a standing ovation.

#### **CHANGE OF CONFERENCE**

Under the authority of the President, the Vice President announced the appointment of Senator Masterson to replace Senator Longbine, Senator Denning to replace Senator Bowers and Senator Kelly to replace Senator Hawk as members of the Conference Committee on **HB 2632**.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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The Senate met pursuant to recess with President Wagle in the chair.

#### **MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2480**, and requests return of the bill.

The House accedes to the request of the Senate for a conference on **SB 224** and has appointed Representatives Pauls, Todd and Tietze as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 280** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 326** and has appointed Representatives Pauls, Todd and Tietze as conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2563**.

The House adopts the Conference Committee report to agree to disagree on **HB 2615**, and has appointed Representatives Hawkins, Dove and Ward as second conferees on the part of the House.

The House announced the appointment of Representative Wilson as a conferee on **H Sub SB 227**.

The House announced the appointment of Representative Kleeb, Suellentrop, Sawyer as conferees on **H Sub SB 280**.

The House announced the appointment of Representative Wilson to replace Representative Victors as a conferee on **H Sub SB 337**; **S Sub HB 2059**, **S Sub HB 2156**; **HB 2490**, **HB 2547**.

The House announced the appointment of Representative Pauls to replace Representative Finch as a conferee on **SB 325; S Sub HB 2049; HB 2460**.

The House announced the appointment of Representatives Kleeb, Suellentrop and Sawyer as conferees on **HB 2632** to replace Representatives Schwab, Kelly and Houston.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, O'Donnell, V. Schmidt and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1793—

A RESOLUTION congratulating and commending the Wichita South  
High School girls' basketball team on winning the 2016 KSHSAA  
Class 6A State Basketball Championship.

WHEREAS, The Wichita South High School girls' basketball team won the 2016 Kansas State High School Activities Association (KSHSAA) Class 6A State Basketball Championship after defeating the Shawnee Mission Northwest High School girls' basketball team with a score of 36-30; and

WHEREAS, This is the fourth consecutive state title the Wichita South High School girls' basketball team has won; and

WHEREAS, Members of this year's Wichita South High School girls' basketball team include: Aeriha Afoa, Alexis Beard, Brittanie Brickhouse, Kyla Callins, Kendrian Elliott, Naria Hall, Trezure Jobe, Ericka Mattingly, Destiny Pittman, Krissandra Pollard, Mauri Scales and Deionne White. The team's cumulative GPA is 3.25. The team managers are Stephanie Gonzales and O'Shiana Rogers; and

WHEREAS, The team's coach, Antwain Scales, along with assistant coaches, Heidi Dreiling and Wayne Riddle, worked diligently with this year's team, improving the team's skills and ultimately leading them to the 2016 KSHSAA Class 6A State Basketball Championship; and

WHEREAS, The Wichita South High School girls' basketball team's overall record under coach Antwain Scales is 110-13 in the past five seasons. The team ended the current 25-0 season ranked 19<sup>th</sup> in a national high school girls' basketball team ranking. In the past four seasons, Wichita South has won four consecutive Greater Wichita Athletic League titles, four mid-season tournament titles and four 6A State titles. Wichita South became the first 6A girls' team in history to capture four state titles in a row. This year's team allowed just 19.4 points per game, holding 13 opponents under 20 points; and

WHEREAS, Ericka Mattingly was awarded the 2016 McDonald's All-American Games Nominee, All-Classes, and 6A Sports in Kansas 2016 Girls Basketball Player of the Year awards, and Kendrian Elliott was awarded the 2015-2016 Gatorade Kansas Player of the Year award. Both Ericka and Kendrian were chosen to play on the 2016 Kansas All-State girls' basketball team: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship. These young women have worked hard throughout the season, and this state title is a testament to that hard work; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1793** was adopted by voice vote. Senators honored the team, coaches and other guests with a standing ovation.

### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 318, SB 373, SB 387, SB 390; S Sub HB 2008, S Sub HB 2088; HB 2446; Sub HB 2473; HB 2522, HB 2610, HB 2622.**

### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 318** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 13, after "transfer" by inserting "\$45,000 from the KETA administrative fund of the state corporation commission to the state general fund and transfer"; also in line 13, after "all" by inserting "remaining";

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

DENNIS HEDKE

KEN CORBET

*Conferees on part of House*

ROB OLSON

MIKE PETERSEN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 318**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Francisco.

The Conference Committee Report was adopted.

### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 373** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 34; Following line 34 by inserting:

"New Section 1. (a) The registered owner of a vehicle driven on a turnpike project shall pay all tolls associated with that vehicle's use on any turnpike project. The Kansas turnpike authority may provide by regular U.S. mail or accepted United States postal service tracking method a notice of toll-evasion violation to the registered owner of a vehicle driven on any turnpike project for which the toll has not been paid. The notice of toll evasion may include a toll-evasion civil penalty, administrative fee, and costs for each instance in which the registered owner of a vehicle driven on any turnpike project has failed to pay the toll.

(b) On and after January 1, 2018, if the outstanding amount of any tolls due and owing by the registered owner exceeds \$100, the director or the director's designee is authorized to instruct the division of vehicles to require payment of any tolls due and owing to the county treasurer at the time of registration or renewal of registration or otherwise to refuse to register or renew the registration of the vehicle, as set forth in K.S.A. 8-173(e), and amendments thereto, of the registered owner or owners, until those amounts are paid to the satisfaction of the director or the director's designee.

(c) The registered owner may contest any notice of toll evasion, including all tolls, penalties, fees, costs and registration holds, directly to the Kansas turnpike authority. Upon receipt of a contest from the registered owner, the authority shall investigate and provide to the registered owner, within 30 days of receipt of the registered owner's submission, a toll-evasion violation order, which shall contain the findings of the investigation. A registered owner may thereafter pay the specified amount or contest these findings and conclusions of the authority by requesting an administrative hearing within 15 days of receipt of the toll-evasion violation order, pursuant to the Kansas administrative procedure act.

(1) The administrative hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(2) Any party may appeal the administrative hearing order to the district court, in accordance with the provisions of the Kansas judicial review act.

(d) The turnpike authority may adopt any rules and regulations necessary to carry out the provisions of this section.

Sec. 2. K.S.A. 2015 Supp. 8-173 is hereby amended to read as follows: 8-173. (a) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted unless the person making such application shall exhibit:

(1) A receipt showing that such person has paid all personal property taxes levied against such person for the preceding year, including taxes upon such vehicle, except that if such application is made before May 11, such receipt need show payment of only one-half the preceding year's tax; or

(2) evidence that such vehicle was assessed for taxation purposes by a state agency, or was assessed as stock in trade of a merchant or manufacturer or was exempt from taxation under the laws of this state.

(b) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted if the records of the county treasurer show that the applicant is delinquent and owes personal property taxes levied against the applicant for any preceding year.

(c) An original application for registration of a motor vehicle shall not be accepted until the applicant signs a certification, provided by the director of motor vehicles, certifying that the applicant has and will maintain, during the period of registration, the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto.

(d) An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self-insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy, facsimile or an image displayed on a cellular phone or any other type of portable electronic device of any of these documents shall suffice for verification of registration or renewal. Any person to whom such image of proof of insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, is displayed, shall view only such image displayed on such cellular phone or other portable electronic device. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device. Proof of insurance may also be verified on-line or electronically and the commissioner of insurance may require, by duly adopted rules and regulations, any motor vehicle liability insurance company authorized to do business in this state to provide verification of insurance in that manner. Any motor vehicle liability insurance company which is providing verification of insurance on-line or electronically on the day preceding the effective date of this act may continue to do so in the same manner and shall be deemed to be in compliance with this section.

(e) On and after January 1, 2018, an application for registration or renewal of registration of a vehicle shall not be accepted, if the records of the division show that after three attempts by the Kansas turnpike authority to contact the registered owner, including at least one registered letter, the registered owner of such vehicle has unpaid tolls and that the director of the Kansas turnpike authority or the director's designee has instructed the division to refuse to accept the registration or renewal of registration, pursuant to section 1, and amendments thereto, unless the owner or registered owner makes payment to the county treasurer at the time of registration or renewal of registration. Of such moneys collected, 15% shall be retained by the county treasurer and the remainder shall be remitted to the Kansas turnpike authority."

Also on page 2, in line 35, by striking "8-235" and inserting "8-173"; in line 37, by striking all before "its";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking all before the semicolon and inserting "vehicle registration, failure or refusal to pay tolls"; also in line 2, by striking "8-"; in line 3, by striking "235" and inserting "8-173";

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

RICH PROEHL  
RONALD RYCKMAN, SR.  
ADAM LUSKER

*Conferees on part of House*

KAY WOLF  
MIKE PETERSEN  
PAT PETTEY

*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 373**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wilborn, Wolf.

Nays: LaTurner, Pyle, Tyson, Wagle.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 387** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34; following line 34, by inserting:

"New Section 1. For the purpose of preparation of the governor's budget report and related legislative measure or measures for submission to the legislature, the pooled money investment board established in K.S.A. 75-4221a, and amendments thereto, shall be considered a separate state agency and shall be titled for such purpose as the "pooled money investment board." The budget estimates and requests of such board shall be presented as from a state agency separate from the state treasurer and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.

Sec. 2. K.S.A. 2015 Supp. 75-4222 is hereby amended to read as follows: 75-4222.

(a) It shall be unlawful for the pooled money investment board to award a state bank account to any depository bank in which any member of the board is interested as a stockholder or officer, except upon the unanimous vote of the other members of the board.

(b) The board shall appoint a director of investments who shall be in the unclassified service under the Kansas civil service act. The board may appoint investment officers and investment analysts, who shall be in the unclassified service of the Kansas civil service act. In addition the board may appoint such employees as may

be needed who shall be in the classified service of the Kansas civil service act.

(c) From and after the effective date of this act, all current employees of the office of the state treasurer performing any responsibilities, powers, duties or functions related to the municipal investment pool fund are hereby transferred to the pooled money investment board. All such employees shall retain all retirement benefits and all rights of civil service which such employees had before the effective date of this act and their service shall be deemed to have been continuous. All such transfers shall be in accordance with civil service laws and rules and regulations.

~~(d) From and after the effective date of this act, the liability for all accrued compensation, wages or salaries of employees who, immediately prior to such date, were engaged in the performance of responsibilities, powers, duties or functions relating to the municipal investment pool fund in the office of the state treasurer and who are transferred to the pooled money investment board pursuant to subsection (c), shall be assumed and paid from appropriations to the state treasurer for operations of the municipal investment pool fund and operations of the pooled money investment board.~~

(e) The employees working for the pooled money investment board shall have access at all times to all papers, documents and property in the custody or possession of the state treasurer that relate to duties of the board, and the state treasurer shall take such steps as may be necessary to make this provision of law effective for such purposes as the pooled money investment board may indicate.

~~(f) On and after the effective date of this act, the state treasurer shall provide the pooled money investment board office space, services, equipment, materials and supplies, and all purchasing and related management functions required by the pooled money investment board in the exercise of the powers, duties and functions imposed or authorized upon such board. The portion of the state treasurer's budget relating to the operations of the pooled money investment board shall be approved by the pooled money investment board prior to submission to the director of the budget.~~

~~(g)~~(e) The director of investments shall keep and preserve a written record of the board's proceedings.

~~(h)~~(f) The board shall make an annual report to the legislature of the investments by the board of all moneys under the jurisdiction and control of the board, by filing a copy of the report with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10<sup>th</sup> calendar day of each regular session of the legislature.

Sec. 3. K.S.A. 2015 Supp. 75-4222 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2; in line 3, by striking all before the period and inserting "the pooled money investment board; establishing the board as a separate state agency and eliminating certain administrative and budgetary duties relating to the board from the state treasurer; amending K.S.A. 2015 Supp. 75-4222 and repealing the existing section"

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

SCOTT SCHWAB

JIM KELLY

RODERICK HOUSTON

*Conferees on part of House*

JEFF LONGBINE  
 ELAINE BOWERS  
 TOM HAWK

*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 387**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 390** 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 60, in line 30, after "other" by inserting "state or"; by striking all in lines 31 and 32; in line 33, by striking all before the comma; also in line 33, after "bank" by inserting "or trust company";

On page 71, following line 2, by inserting:

"New Sec. 65. (a) A bank, savings bank, savings and loan association or credit union may conduct a savings promotion in which promotion participants deposit money into a savings account or other savings program in order to obtain entries and participate in the promotion, provided that the bank, savings bank, savings and loan association or credit union:

(1) Conducts the promotion in a manner so as to ensure that each entry has an equal chance of winning the designated prize;

(2) fully discloses the terms and conditions of the promotion to each of its account holders;

(3) maintains records sufficient to facilitate an audit of the promotion;

(4) ensures that only account holders 18 years of age and older are permitted to participate in the promotion;

(5) does not require any consideration; and

(6) offers an interest rate and charges fees on any promotion-qualifying account that are approximately the same as those on a comparable account that does not qualify for the promotion.

(b) (1) The state bank commissioner is authorized to promulgate rules and regulations as necessary to effectuate the provisions of this section pertaining to banks, savings banks and savings and loan associations. Such rules and regulations shall be promulgated by July 1, 2017.

(2) The credit union administrator is authorized to promulgate rules and regulations as necessary to effectuate the provisions of this section pertaining to credit unions. Such

rules and regulations shall be promulgated by July 1, 2017.

(3) The state bank commissioner and credit union administrator shall collaborate in order to promulgate rules and regulations affecting account holders that are consistent, other than the type of institution to which they apply.";

And by renumbering sections accordingly;

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

SCOTT SCHWAB

JIM KELLY

RODERICK HOUSTON

*Conferees on part of House*

JEFF LONGBINE

ELAINE BOWERS

TOM HAWK

*Conferees on part of Senate*

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 390**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2008** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2008, as follows:

On page 5, in line 17, by striking all after "4."; by striking all in lines 18 through 26; in line 27, by striking all before the period and inserting "The attorney general or any district attorney may enforce the provisions of the student online personal protection act by bringing an action in a court of competent jurisdiction, and may seek injunctive relief to enjoin any operator in possession of student information from disclosing any student information in violation of the provisions of the student online personal protection act";

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

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

RON HIGHLAND

JERRY LUNN

VALDENIA WINN

*Conferees on part of House*

Senator Abrams moved the Senate adopt the Conference Committee Report on **S Sub HB 2008**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2446** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 6, before "K.S.A" by inserting "On January 1, 2017,";

On page 3, following line 23, by inserting:

"(j) Commencing with the 2026 legislative interim period, and at least every 10 years thereafter, subject to authorization by the legislative coordinating council, a legislative interim study committee shall study the issue of whether the minimum limits of liability in subsection (e) should be adjusted.

Sec. 2. K.S.A. 40-3901 is hereby amended to read as follows: 40-3901. (a) The governing body of any city is hereby authorized to establish, by ordinance, a procedure for the payment of not to exceed 15% of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure; ~~caused by or arising out of any fire, explosion or windstorm.~~ The ordinance shall apply only to a covered claim payment which is in excess of 75% of the face value of the policy covering a building or other insured structure.

(b) The insurer first shall pay all amounts due the holder of a first real estate mortgage against the building or other structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment a sum not to exceed the amount authorized pursuant to subsection (a) and shall pay such moneys to the city to deposit into an interest-bearing account, unless the city has issued a certificate pursuant to K.S.A. 40-3906, and amendments thereto.

(c) The city shall release the insured's proceeds and any interest which has accrued on such proceeds received under subsection (b) within ~~30~~ 45 days after receipt of such moneys, unless the city has instituted legal proceedings under the provisions of K.S.A. 12-1752, and amendments thereto. If the city has proceeded under the provisions of K.S.A. 12-1752, and amendments thereto, all moneys in excess of that necessary to comply with the provisions of K.S.A. 12-1750 et seq., and amendments thereto, for the

removal of the building or structure, less salvage value, shall be paid to the insured.

Sec. 3. K.S.A. 40-3902 is hereby amended to read as follows: 40-3902. The governing body of any city is hereby authorized to create, by ordinance, a lien in favor of any such city in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, ~~caused by or arising out of any fire, explosion or windstorms~~. The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Sec. 4. K.S.A. 40-3903 is hereby amended to read as follows: 40-3903. (a) The governing body of any county is hereby authorized to establish, by resolution, a procedure for the payment of not to exceed 15% of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, ~~caused by or arising out of any fire, explosion or windstorm~~. The resolution shall not apply to cities which have adopted an ordinance under the provisions of K.S.A. 40-3901, and amendments thereto. The resolution shall apply only to a covered claim payment which is in excess of 75% of the face value of the policy covering a building or other insured structure.

(b) The insurer first shall pay all amounts due the holder of a first real estate mortgage against the building or other structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment of the sum not to exceed the amount authorized pursuant to subsection (a) and shall pay such moneys to the county to deposit into an interest-bearing account, unless the city has issued a certificate pursuant to K.S.A. 40-3906, and amendments thereto.

(c) The county shall release the insured's proceeds and any interest which has accrued on such proceeds received under subsection (b) within ~~30~~ 45 days after receipt of such moneys, unless the county has instituted legal proceedings, using the procedure under K.S.A. 12-1752, and amendments thereto, insofar as the same can be made applicable. If the county has instituted legal proceedings, all moneys in excess of that necessary for the removal of the building or structure, less salvage value, shall be paid to the insured.

Sec. 5. K.S.A. 40-3904 is hereby amended to read as follows: 40-3904. The governing body of any county is hereby authorized to create, by resolution, a lien in favor of any such county in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, ~~caused by or arising out of any fire, explosion or windstorms~~. The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the county which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. This resolution shall not apply to cities which have adopted an ordinance under the provisions of K.S.A. 40-3902, and amendments thereto.

Sec. 6. K.S.A. 40-3905 is hereby amended to read as follows: 40-3905. Every city or county which adopts an ordinance or resolution under the provisions of K.S.A. 40-3901 through 40-3904, and amendments thereto, shall notify the commissioner of insurance. At least once each quarter of each calendar year, the commissioner shall

prepare and distribute a list of all cities and counties adopting an ordinance or resolution under the provisions of this act during the preceding quarter to all insurance companies which issue policies insuring buildings and other structures against loss ~~by fire, explosion or windstorms~~. Insurance companies shall have 60 days after the commissioner notifies them of the adoption of such ordinance or resolution to establish procedures within such cities or counties to carry out the provisions of this act.

Sec. 7. K.S.A. 40-3907 is hereby amended to read as follows: 40-3907. This act shall apply to ~~fire or explosion~~ all covered claims arising on from damage to all buildings or structures.

Sec. 8. K.S.A. 40-3901, 40-3902, 40-3903, 40-3904, 40-3905 and 40-3907 are hereby repealed.";

Also on page 3, in line 24, before "K.S.A" by inserting "On January 1, 2017,"; in line 26, by striking all before "its";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon, by inserting "payment of certain insurance proceeds; cities and counties,"; in line 3, after "40-3107" by inserting ", 40-3901, 40-3902, 40-3903, 40-3904, 40-3905 and 40-3907"; also in line 3, by striking "section" and inserting "sections";

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

JEFF LONGBINE  
ELAINE BOWERS  
TOM HAWK

*Conferees on part of Senate*

SCOTT SCHWAB  
JIM KELLY  
RODERICK HOUSTON

*Conferees on part of House*

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2446**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2473** 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 3, before "K.S.A" by inserting "On and after January 1, 2017,"; following line 29, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 8-1103 is hereby amended to read as follows: 8-1103. (a) Whenever any person providing wrecker or towing service, as defined by law, while lawfully in possession of a vehicle, at the direction of a law enforcement officer or the owner or as provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act. If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial. If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order. Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this act.

(b) At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure to give such written notice shall invalidate any lien established for such storage fee.

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution: (1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees; (2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and (3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.

Sec. 4. K.S.A. 8-1107 and K.S.A. 2015 Supp. 8-1103 are hereby repealed.";

Also on page 3, in line 30, before "K.S.A" by inserting "On and after January 1, 2017,"; in line 32, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "abandoned and disabled vehicles, requirements, notices, ordinances;"; in line 4, after "1,156" by

inserting "and 8-1103"; in line 4, by striking "section" and inserting "sections; also repealing K.S.A. 8-1107";

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

MIKE PETERSEN

KAY WOLF

PAT PETTY

*Conferees on part of Senate*

RICH PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **Sub HB 2473**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2522** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows: On page 2, following line 15, by inserting:

"(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination administered by the division on a three-wheeled motorcycle which is not an autocycle shall have a restriction placed on such applicant's license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination administered by the division on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle.";

On page 10, following line 6, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers' license act may exercise

the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary ~~thirty-day~~ permit, pursuant to K.S.A. 8-2409, and amendments thereto, shall be the holder of a driver's license which is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle which is registered in this state shall be the holder of a class M driver's license, except that any person operating in this state a motorcycle which is registered under a temporary ~~thirty-day~~ permit, pursuant to K.S.A. 8-2409, and amendments thereto, shall be the holder of a driver's license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of this state unless such person: (1) Has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; (2) is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; (3) has had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, and amendments thereto, or a second or subsequent violation of K.S.A. 8-1567 or 8-1567a or K.S.A. 2015 Supp. 8-1025, and amendments thereto, and such person; (A) Has completed the mandatory period of suspension as provided in K.S.A. 8-1014, and amendments thereto; and (B) has made application and submitted a \$40 nonrefundable application fee to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; or (4) has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of ~~subsection (b) of~~ K.S.A. 8-1568(b), and amendments thereto, in the last five years and has made application to the division for issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles. As used in this subsection, "motorized bicycle" shall have the meaning ascribed to it in K.S.A. 8-126, and amendments thereto.

(e) All moneys received under subsection (d) from the nonrefundable application fee shall be applied by the division of vehicles for the additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

~~(e)~~(f) Violation of this section shall constitute a class B misdemeanor.;"

Also on page 10, in line 7, after "Supp." by inserting "8-235,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the first semicolon and inserting a comma; also in line 2, by striking the second semicolon and inserting a comma; also in line 2, before "amending" by inserting "requirements; restricted motorized bicycle driver's licenses, application fees; examinations, three-wheeled motorcycles,;" in line 3, after "Supp." by inserting "8-235,";

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

MIKE PETERSEN

KAY WOLF

PAT PETTY

*Conferees on part of Senate*

RICH PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2522**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2610** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, following line 9, by inserting:

"Sec. 5. K.S.A. 8-1559 is hereby amended to read as follows: 8-1559. (a) The secretary of transportation may determine and declare:

(1) Based on an engineering and traffic investigation that an existing speed limit is greater or less than what is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, or upon any city street which is a state highway connecting link; or

(2) based on information or circumstances known to the secretary, without an engineering or traffic investigation, that a speed less than the maximum otherwise allowed is warranted. If the secretary determines to designate a speed limit under authority of this paragraph the secretary shall prepare a statement and notice of alteration of maximum speed limit. The statement shall be in writing, shall specify the designated maximum speed limit, the route or routes affected, or any segment thereof, the factors upon which the decision is based and the date on which the speed limit shall be effective. The notice shall specify the route or routes affected, or segments thereof, the designated maximum speed limit and the effective date. The notice required under this paragraph shall be sent to the Kansas highway patrol and the sheriff of any county in which the affected route or routes are located prior to the effective date of the new maximum speed limit.

(b) Any maximum speed limit declared under subsection (a) may be effective at all times or at designated times; and differing speed limits may be established for different times of day, different types of vehicles, varying weather conditions, or other factors bearing on safe speeds. In addition to any other requirement imposed on the secretary of transportation, no alteration in the speed limits under subsection (a) shall be effective until posted upon appropriate fixed or variable signs.

(c) The secretary of transportation may establish the speed limit within a road construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected.

(d) The secretary of transportation shall not establish any maximum speed limit in excess of the maximum speed limits established by K.S.A. 8-1558, and amendments thereto, except that the secretary may establish a speed limit which exceeds the limit established under K.S.A. 8-1558(a)(4), and amendments thereto, by five miles per hour on any such highway located outside of an urban district. Prior to increasing any speed limit authorized pursuant to this subsection, the secretary shall consider the effects of K.S.A. 8-1560c and 8-1560d before establishing a higher speed limit.

(e) The secretary of transportation shall not alter any speed limit established under ~~paragraph (4) of subsection (a) of~~ K.S.A. 8-1560(a)(4), and amendments thereto, without first obtaining approval from the local authority.

Sec. 6. K.S.A. 8-1559 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "designating" and inserting "concerning highways; relating to commemorative designations," ; in line 3, by striking the semicolon and inserting a comma; in line 5, by striking the semicolon and inserting a comma; in line 7, by striking the semicolon and inserting a comma; in line 8, before the period by inserting "; maximum speed limits, powers of the secretary of transportation; amending K.S.A. 8-1559 and repealing the existing section"

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

*Conferees on part of Senate*

RICH PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2610**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on **HB 2622** submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as introduced, as follows:

On page 1, following line 9, by inserting:

"New Section 1. (a) The state board of regents shall publish degree prospectus information for each undergraduate degree program offered by each postsecondary educational institution that summarizes information and statistics on such degree program. Upon request, each postsecondary educational institution shall provide any necessary information to the state board of regents.

(b) The degree prospectus for each degree program shall include the following:

(1) A description of the degree program, provided nothing in the description shall contradict, mitigate or otherwise explain any of the statistical information described in subsections (b)(2) through (b)(8);

(2) the typical number of years recent graduates have taken to obtain the degree from such postsecondary educational institution;

(3) the expected number of credit hours required to obtain the degree from such postsecondary educational institution;

(4) the expected aggregate cost and cost per year incurred by an individual to obtain the degree from such postsecondary educational institution, including tuition, room and board, books and student fees;

(5) the aggregate degree investment incurred by an individual to obtain the degree from such postsecondary educational institution determined by subtracting the typical amount of grants and scholarships awarded for such degree from the aggregate cost;

(6) the median wage information of recent graduates from such degree program as

reported by the state department of labor and any other state where data-sharing agreements governing the reporting of such information may be obtained upon entry into the workforce, and median wages after five years;

(7) the percentage of graduates who are employed in this state or any other state where data-sharing agreements governing the publication of such information may be obtained, within one year from entry into the workforce; and

(8) the number of years required to fully recoup the degree investment and typical loan debt incurred by an individual to obtain the degree from such postsecondary educational institution, at an annual interest rate set by the state board of regents which shall be the maximum federally guaranteed student interest rate showing the number of years necessary to fully recoup the degree investment, the monthly payment amount and percentage of earnings required to repay estimated loan commitments which correspond to the following number of years of repayment: 10, 15, 20, 25 and 30 years. The monthly payment amount shall be determined by dividing the median wage upon entry into the workforce by the corresponding number of years of repayment.

(c) The state board of regents shall:

(1) Make degree prospectus information readily available through a link on the state board of regents' official website; and

(2) update each degree prospectus at least once per year.

(d) Each postsecondary educational institution shall:

(1) Make degree prospectus information readily available through a link on such institution's official website homepage and on any web page dedicated to the promotion of a degree program, which shall be titled by the state board of regents and promoted statewide in a uniform manner at the direction of the state board of regents;

(2) promote degree prospectus information to each student who inquires about the degree program; and

(3) promote degree prospectus information whenever a hard copy of any written materials concerning the degree program are provided.

(e) The state board of regents shall adopt rules and regulations necessary to implement the provisions of this section.

(f) As used in this section:

(1) "Postsecondary educational institution" means:

(A) For school year 2016-2017, any state educational institution and any municipal university; and

(B) for school year 2017-2018 and each school year thereafter, any state educational institution, municipal university, community college, technical college and institute of technology, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(2) "State educational institution," "municipal university," "community college," "technical college" and "institute of technology" mean the same as such terms are defined in K.S.A. 74-3201b, and amendments thereto.

New Sec. 2. (a) On or before January 1, 2017, the state board of regents shall adopt a policy requiring state educational institutions to award the appropriate number of credit hours to any student enrolled in such institution who has successfully passed an exam administered through the college level examination program (CLEP) and received a credit-granting recommended score as outlined by the American council on education. Such policy shall include the following:

(1) The number of credit hours to be awarded shall be at least equivalent to the minimum number of credit hours granted for the equivalent course offered by the institution;

(2) an institution shall not limit the number of credit hours that may be awarded to a student beyond the limitations placed on such institution by such institution's regional accrediting agency;

(3) credit hours awarded for exams in the subject of the student's major course of study shall apply towards the student's degree program major course of study, and all other credit hours shall apply towards general degree requirements;

(4) credit hours for exams shall be listed on the student's transcript as pass/fail;

(5) all exams listed on a student's transcript shall be included on such transcript if the student transfers to a different postsecondary educational institution, and if the subsequent institution is a state educational institution, then the credit hours for such exams shall be applied in accordance with this section; and

(6) any other provisions related to the awarding of credit hours based on CLEP exam results deemed necessary by the board.

(b) Commencing July 1, 2017, each state educational institution shall award credit hours to enrolled students who have successfully passed a CLEP exam in accordance with the policy adopted by the board pursuant to subsection (a).

(c) As used in this section, the terms "state board of regents" and "state educational institution" shall have the same meaning as those terms are defined in K.S.A. 74-3201b, and amendments thereto.

Sec. 3. K.S.A. 2015 Supp. 72-4490 is hereby amended to read as follows: 72-4490.

(a) (1) Any eligible postsecondary educational institution may certify to the board of regents:

(A) The number of individuals who received a general educational development (GED) credential from such institution while enrolled in an eligible career technical education program;

(B) the number of individuals who received a career technical education credential from such institution; and

(C) the number of individuals who were enrolled in an eligible career technical education program at such institution and who are pursuing a general educational development (GED) credential.

(2) Certifications submitted pursuant to this subsection shall be submitted in such form and manner as prescribed by the board of regents, and shall include such other information as required by the board of regents.

(b) Each fiscal year, upon receipt of a certification submitted under subsection (a), the board of regents shall authorize payment to such eligible postsecondary educational institution from the postsecondary education performance-based incentives fund. The amount of any such payment shall be calculated based on the following:

(1) For each individual who has received a general educational development (GED) credential, \$500;

(2) for each individual who has received a career technical education credential, \$1,000; and

(3) for each individual enrolled in an eligible career technical education program who is pursuing a general educational development (GED) credential, \$170.

(c) That portion of any payment from the postsecondary education performance-

based incentives fund that is made based on subsection (b)(2) shall be expended for scholarships for individuals enrolled in an eligible career technical education program and operating costs of eligible career technical education programs. Each eligible postsecondary educational institution shall prepare and submit a report to the board of regents which shall include the number of individuals who received scholarships, the aggregate amount of moneys expended for such scholarships and the number of those individuals who received a scholarship that also received a career technical education credential.

(d) (1) Of that portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(3), an amount equal to \$150 for each individual shall be expended by the eligible postsecondary educational institution for the general educational development (GED) test.

(2) If any individual enrolled in an eligible career technical education program for which an eligible postsecondary educational institution has received a payment under this section fails to take the general educational development (GED) test, then such institution shall notify the board of regents in writing that no such test was administered to the individual. For each such notification received, the board of regents shall deduct an amount equal to \$150 from such institution's subsequent incentive payment.

(e) All payments authorized by the board of regents pursuant to this section shall be subject to the limits of appropriations made for such purposes. If there are insufficient appropriations for the board of regents to authorize payments in accordance with the amounts set forth in subsection (b), the board of regents shall prorate such amounts in accordance with appropriations made therefor.

(f) There is hereby created the postsecondary education performance-based incentives fund. Expenditures from the postsecondary education performance-based incentives fund shall be for the sole purpose of paying payments to eligible postsecondary educational institutions as authorized by the board of regents. All expenditures from the postsecondary education performance-based incentives 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 president of the board of regents, or the president's designee.

(g) As used in this section:

(1) "Board of regents" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto.

(2) "Career technical education credential" means any industry-recognized technical certification or credential, other than a general educational development (GED) credential, or any technical certification or credential authorized by a state agency.

(3) "Eligible career technical education program" means a program operated by one or more eligible postsecondary educational institutions that is identified by the board of regents as a program that allows an enrollee to obtain a general educational development (GED) credential while pursuing a career technical education credential.

(4) "Eligible postsecondary educational institution" means any community college, technical college or the institute of technology at Washburn university, ~~except such term shall not include Johnson county community college.~~

(5) "State agency" means any state office, department, board, commission, institution, bureau or any other state authority.";

On page 6, in line 29, after "Supp." by inserting "72-4490,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to degree program transparency; relating to credit hours; relating to postsecondary career technical education performance-based funding;"; in line 3, by striking all after the semicolon; by striking all in line 4; in line 5, by striking all before "amending"; also in line 5, after "Supp." by inserting "72-4490,";

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

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

RON HIGHLAND

JERRY LUNN

VALDENIA WINN

*Conferees on part of House*

Senator Abrams moved the Senate adopt the Conference Committee Report on **HB 2622**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Francisco, Kelly, Kerschen, Pettey, V. Schmidt, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2088** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

On motion of Senator Donovan the Senate adopted the conference committee report on **S Sub HB 2088**, and requested a new conference be appointed.

The President appointed Senators Donovan, Tyson and Holland as a second Conference Committee on the part of the Senate on **S Sub HB 2088**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Ways and Means** recommends **HB 2285**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2285," as follows:

"Senate Substitute for HOUSE BILL No. 2285

By Committee on Ways and Means

"AN ACT reconciling amendments to certain statutes; amending K.S.A. 2015 Supp. 44-706 and repealing the existing section; also repealing K.S.A. 2015 Supp. 17-7673b, 17-7674b, 17-7677b, 38-2310a, 44-706c, 59-29a24a and 65-2895a.";

And the substitute bill be passed.

Also, **HB 2662**, as amended by House Committee of the Whole, be amended on page 3, by striking all in lines 5 through 10;

And by renumbering sections accordingly; and the bill be passed as amended.

**HB 2739** be amended on page 1, in line 8, after "department" by inserting a comma; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, April 29, 2016.

# Journal of the Senate

FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 29, 2016, 10:00 a.m.

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

Gracious Lord, You've done something for us that goes far beyond what You've done for any of Your other creations. You've given us the power and the privilege to enter into a love relationship with You. In spite of the fact that we make wrong choices...in spite of the fact that we rebel against You, You've looked beyond our faults and You've chosen to love us. So, help us in our responses to Your love. Enable us to say as the Apostle John said in 1 John 4, that we're showing love...true sacrificial love to You and to other people, because You first showed sacrificial love to us. Let the bowing of our heads today, be a humble recognition of the fact, that You are to be loved and exalted above all that there is. Remind us...even help us, to love and regard You first, and then to love others as we love ourselves (Matthew 22:35-40). As we interact with each other on the job...debating the issues and as we relate to those at home, help us to maintain the ultimate priority of love. Now, by Your grace, give us all a safe and blessed weekend. In Jesus Name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 516**.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 128**, and has appointed Representatives Barker, Macheers and Carmichael as Second conferees on the part of the House.

The House adopts the Conference Committee report on **Sub SB 22**.

The House adopts the Conference Committee report on **SB 319**.

The House adopts the Conference Committee report on **S Sub HB 2008**.

The House adopts the Conference Committee report on **HB 2446**.

The House adopts the Conference Committee report on **Sub HB 2473**.

The House adopts the Conference Committee report on **HB 2522**.

The House adopts the Conference Committee report on **HB 2610**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1788—

A RESOLUTION congratulating the Colby Public High School wrestling team on winning the 2016 Class 4A State Wrestling Championship.

WHEREAS, The Colby Public High School wrestling team won the 2016 Kansas State High School Activities Association Class 4A State Wrestling Championship held at the Salina Bicentennial Center. Colby scored 120 points, outscoring runner-up El Dorado by 29 points; and

WHEREAS, The 2016 state medalists are:

120 pounds – Tate Carney, second

160 pounds – Alex Young, sixth

170 pounds – Bryce Arnberger, first

220 pounds – Austin Hart, first

285 pounds – Ethan Jay, second

Also competing at the state tournament were Kurt Schroeder, at 106 pounds; Tanner Elias, at 132 pounds; Andrew Voss, at 145 pounds; Matthew Pieper, at 152 pounds and Brady Slinger, at 195 pounds; and

WHEREAS, The head coach is Matt Sims and his assistant coaches are Rick Williams, Ed Schmitt and Cole Garcia. Team managers are Lexie Sims, Amelia Culver and Madisyn Haggard; and

WHEREAS, The team has the enthusiastic support of the school's administrators, the faculty, the students, the wrestlers' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Colby Public High School wrestling team on winning the 2016 Class 4A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1788** was adopted by voice vote.

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

SENATE RESOLUTION No. 1789—

A RESOLUTION congratulating the Norton Community High School wrestling team on winning the 2016 Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2016 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship held at Gross Memorial Coliseum in Hays. Norton scored 121 points, outscoring runner-up Rossville by four points; and

WHEREAS, The 2016 Norton wrestlers added another chapter to their school's history of successes in wrestling, as this is Norton Community High School's fourth consecutive and 15<sup>th</sup> state championship win; and

WHEREAS, The 2016 state medalists are:

113 pounds – Skylar Johnson, first  
 120 pounds – Ryan Johnson, fifth  
 145 pounds – Trenton Wright, sixth  
 160 pounds – Mike Kasson, first  
 195 pounds – Gavin Lively, first  
 285 pounds – Collyn Auker, fourth

Also competing at the state tournament were Kade Unterseher, at 126 pounds and Riley Hager, at 170 pounds; and

WHEREAS, The head coach is Bill Johnson and his assistant coaches are Eric Johnson, Shane Miller and Tony Fiscus. Team managers are Macayla Kent, Mariah Addington and Nicole Thrailkill; and

WHEREAS, The team has the enthusiastic support of the school's administrators, the faculty, the students, the wrestlers' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Norton Community High School wrestling team and Coach Johnson for winning the 2016 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1789** was adopted by voice vote.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 128**.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to House substitute for **SB 128** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN BARKER  
 CHARLES MACHEERS  
 JOHN CARMICHAEL  
*Conferees on part of House*

JEFF KING  
 GREG SMITH  
 DAVID HALEY  
*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **H Sub SB 128**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a second Conference Committee on the part of the Senate on **H Sub SB 128**.

**ORIGINAL MOTION**

Citing Rule 11b, Senator Holland moved **SB 516** be removed from the Committee on **Ethics and Elections** and referred to the calendar under the heading of **General Orders**.

**CHANGE OF CONFERENCE**

The President announced the appointment of Senator Ostmeyer to replace Senator Pyle, Senator LaTurner to replace Senator Fitzgerald as members of the Conference Committee on **HB 2164**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2558**.

The House adopts the Conference Committee report on **SB 326**.

The House adopts the Conference Committee report to disagree on **S Sub HB 2088**, and has appointed Representatives Kleeb, Suellentrop and Sawyer as second conferees on the part of the House.

The House announced the appointment of Representative Hutton to replace Representative Suellentrop as a conferee on **H Sub SB 63**.

The House announced the appointment of Representative Frownfelter to replace Representative Carmichael as a conferee on **HB 2617**.

**CHANGE OF CONFERENCE**

The President announced the appointment of Senator Masterson to replace Senator Abrams, Senator Denning to replace Senator Arpke and Senator Kelly to replace Senator Hensley as members of the Conference Committee on **S Sub HB 2441**.

**ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 22, SB 319, Sub HB 2285, HB 2436, HB 2462, HB 2501, HB 2545, HB 2615, HB 2662, HB 2739**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Donovan the following report was adopted:

**HB 2662** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**HB 2739** be amended by the adoption of the committee amendments, be further amended by motion of Senator Fitzgerald: on page 1, in line 6, by striking "department" and inserting "secretary" and **HB 2739** be passed as further amended.

The committee report on **HB 2285** recommending **S Sub HB 2285** be adopted, and the substitute bill be passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce, an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2285; HB 2662, HB 2739** were advanced Final Action and roll call.

**S Sub HB 2285**, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2015 Supp. 44-706 and repealing the existing section; also repealing K.S.A. 2015 Supp. 17-7673b, 17-7674b, 17-7677b, 38-2310a, 44-706c, 59-29a24a and 65-2895a.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

**HB 2662**, 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.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Francisco, Hensley.

The bill passed, as amended.

**HB 2739**, AN ACT concerning the budget process; implementation of a program service inventory, performance based budgeting system and integrated budget fiscal process.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 22** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 18;

On page 19, by striking all in lines 1 through 32 and inserting:

"New Section 1. (a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording, and may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):

(1) A person who is a subject of the recording;

(2) a parent or legal guardian of a person under 18 years of age who is a subject of the recording;

(3) an attorney for a person described in subsection (c)(1) or (c)(2); and

(4) an heir at law, an executor or an administrator of a decedent, when the decedent is a subject of the recording.

(d) As used in this section:

(1) "Body camera" means a device that is worn by a law enforcement officer that electronically records audio or video of such officer's activities.

(2) "Vehicle camera" means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers' activities.

Sec. 2. K.S.A. 2015 Supp. 9-513c is hereby amended to read as follows: 9-513c. (a) Notwithstanding any other provision of law, all information or reports obtained and prepared by the commissioner in the course of licensing or examining a person engaged in money transmission business shall be confidential and may not be disclosed by the commissioner except as provided in subsection (c) or (d).

(b) (1) All confidential information shall be the property of the state of Kansas and shall not be subject to disclosure except upon the written approval of the state bank commissioner.

(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2019.

(c) (1) The commissioner shall have the authority to share supervisory information, including reports of examinations, with other state or federal agencies having regulatory authority over the person's money transmission business and shall have the authority to

conduct joint examinations with other regulatory agencies.

(2) (A) The requirements under any federal or state law regarding the confidentiality of any information or material provided to the nationwide multi-state licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of confidentiality protections provided by federal and state laws.

(B) The provisions of this paragraph shall expire July 1, 2018, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2018.

(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

(e) The commissioner may accept a report of examination or investigation from another state or federal licensing agency, in which the accepted report is an official report of the commissioner. Acceptance of an examination or investigation report does not waive any fee required by this act.

(f) Nothing shall prohibit the commissioner from releasing to the public a list of persons licensed or their agents or from releasing aggregated financial data on such persons.

(g) The provisions of subsection (a) shall expire on July 1, ~~2016~~ 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, ~~2016~~ 2021.

Sec. 3. K.S.A. 2015 Supp. 12-5374 is hereby amended to read as follows: 12-5374. (a) Not later than 30 days after the receipt of moneys from providers pursuant to K.S.A. 2015 Supp. 12-5370 and 12-5371, and amendments thereto, and the department pursuant to K.S.A. 2015 Supp. 12-5372, and amendments thereto, the LCPA shall distribute such moneys to PSAPs based upon the following distribution method: In a county with a population over 80,000, 82% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 65,000 and 79,999, 85% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 55,000 and 64,999, 88% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 45,000 and 54,999, 91% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 35,000 and 44,999, 94% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 25,000 and 34,999,

97% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; and in a county with a population of less than 25,000, 100% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information. There shall be a minimum county distribution of \$50,000 and no county shall receive less than \$50,000 of direct distribution moneys. If there is more than one PSAP in a county then the direct distribution allocated to that county by population shall be deducted from the minimum county distribution and the difference shall be proportionately divided between the PSAPs in the county. All moneys remaining after distribution and any moneys which cannot be attributed to a specific PSAP shall be transferred to the 911 state grant fund.

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

(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 state grant fund unless \$2 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the counties in an amount proportional to each county's population as a percentage share of the population of the state. For each PSAP within a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the PSAP providing service to such county. Such moneys distributed to counties and PSAPs only shall be used for the uses authorized in K.S.A. 2015 Supp. 12-5375, and amendments thereto.

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

(e) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to this act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

(f) The provisions of subsection (e) shall expire on July 1, ~~2017~~ 2021, unless the legislature acts to reenact such provision. The provisions of subsection (e) shall be reviewed by the legislature prior to July 1, ~~2016~~ 2021.

~~(g) This section shall take effect on and after January 1, 2012.~~

Sec. 4. K.S.A. 2015 Supp. 16-335 is hereby amended to read as follows: 16-335. (a) Except as provided by this section, all information which the secretary of state shall gather or record in making an investigation and examination of any cemetery corporation, or the reporting by the cemetery corporation or the trustee, shall be deemed to be confidential information, and shall not be disclosed by the secretary of state, any assistant, examiner or employee thereof, except to: (1) Officers and the members of the board of directors of the cemetery corporation being audited; (2) the attorney general, when in the opinion of the secretary of state the same should be disclosed; and (3) the appropriate official for the municipality in which the cemetery resides when in the opinion of the secretary of state the same should be disclosed.

(b) Upon request, the secretary of state may disclose to any person whether a cemetery corporation maintains a cemetery merchandise trust fund under K.S.A. 16-322, and amendments thereto, and whether such funds are maintained in compliance with the provisions of such laws.

(c) The provisions of subsection (a) shall expire on July 1, ~~2016~~ 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, ~~2016~~ 2021.

(d) This section shall be part of and supplemental to article 3 of chapter 16 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 5. K.S.A. 2015 Supp. 17-1312e is hereby amended to read as follows: 17-1312e. (a) Except as provided by this section, all information which the secretary of state shall gather or record in making an investigation and examination of any cemetery corporation, or the reporting by the cemetery corporation or the trustee, shall be deemed to be confidential information, and shall not be disclosed by the secretary of state, any assistant, examiner or employee thereof, except to: (1) Officers and the members of the board of directors of the cemetery corporation being audited; (2) the attorney general, when in the opinion of the secretary of state the same should be disclosed; and (3) the appropriate official for the municipality in which the cemetery resides when in the opinion of the secretary of state the same should be disclosed.

(b) Upon request, the secretary of state may disclose to any person whether a cemetery corporation maintains a permanent maintenance fund under K.S.A. 17-1311, and amendments thereto, and whether such funds are maintained in compliance with the provisions of such laws.

(c) The provisions of subsection (a) shall expire on July 1, ~~2016~~ 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, ~~2016~~ 2021.

Sec. 6. K.S.A. 2015 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the national mail voter registration form issued pursuant to federal law.

Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to prevent duplicative voter registrations and enable the relevant election officer to assess the eligibility of the applicant and to administer voter registration, including, but not limited to, the following data to be kept by the relevant election officer as provided by law:

- (1) Name;
- (2) place of residence, including specific address or location, and mailing address if

the residence address is not a permissible postal address;

- (3) date of birth;
- (4) sex;
- (5) the last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number;
- (6) telephone number, if available;
- (7) naturalization data (if applicable);
- (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- (9) when present residence established;
- (10) name under which applicant last registered or voted, if different from present name;
- (11) an attestation that the applicant meets each eligibility requirement;
- (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes;
- (15) boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States, together with the question "Are you a citizen of the United States of America?";
- (16) boxes for the county election officer or chief state election official to check to indicate whether the applicant has provided with the application the information necessary to assess the eligibility of the applicant, including such applicant's United States citizenship;
- (17) boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day, together with the question "Will you be 18 years of age on or before election day?";
- (18) in reference to paragraphs (15) and (17) the statement "If you checked 'no' in response to either of these questions, do not complete this form.";
- (19) a statement that the applicant shall be required to provide identification when voting; and
- (20) political party affiliation declaration, if any. An applicant's failure to make a declaration will result in the applicant being registered as an unaffiliated voter.

If the application discloses any previous registration in any other county or state, as indicated by paragraph (8) or (10), or otherwise, the county election officer shall upon the registration of the applicant, give notice to the election official of the place of former registration, notifying such official of applicant's present residence and registration, and authorizing cancellation of such former registration. This section shall be interpreted and applied in accordance with federal law. No eligible applicant whose qualifications have been assessed shall be denied registration.

(c) Any person who applies for registration through a voter registration agency shall be provided with, in addition to the application under subsection (b), a form which includes:

(1) The question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(2) a statement that if the applicant declines to register to vote, this decision will remain confidential and be used only for voter registration purposes;

(3) a statement that if the applicant does register to vote, information regarding the office to which the application was submitted will remain confidential and be used only for voter registration purposes; and

(4) if the agency provides public assistance; (i) The statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(ii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote, together with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iii) the statement "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(iv) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Kansas Secretary of State."

(d) If any person, in writing, declines to register to vote, the voter registration agency shall maintain the form prescribed by subsection (c).

(e) A voter registration agency shall transmit the completed registration application to the county election officer not later than five days after the date of acceptance. Upon receipt of an application for registration, the county election officer shall send, by nonforwardable mail, a notice of disposition of the application to the applicant at the postal delivery address shown on the application. If a notice of disposition is returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

(f) If an application is received while registration is closed, such application shall be considered to have been received on the next following day during which registration is open.

(g) A person who completes an application for voter registration shall be considered a registered voter when the county election officer adds the applicant's name to the county voter registration list.

(h) Any registered voter whose residence address is not a permissible postal delivery address shall designate a postal address for registration records. When a county election officer has reason to believe that a voter's registration residence is not a permissible postal delivery address, the county election officer shall attempt to determine a proper mailing address for the voter.

(i) Any registered voter may request that such person's residence address be concealed from public inspection on the voter registration list and on the original voter registration application form. Such request shall be made in writing to the county election officer, and shall specify a clearly unwarranted invasion of personal privacy or a threat to the voter's safety. Upon receipt of such a request, the county election officer

shall take appropriate steps to ensure that such person's residence address is not publicly disclosed. Nothing in this subsection shall be construed as requiring or authorizing the secretary of state to include on the voter registration application form a space or other provision on the form that would allow the applicant to request that such applicant's residence address be concealed from public inspection.

(j) No application for voter registration shall be made available for public inspection or copying unless the information required by ~~paragraph (5)~~ of subsection (b) ~~(5)~~ has been removed or otherwise rendered unreadable.

(k) If an applicant fails to answer the question prescribed in ~~paragraph (15)~~ of subsection (b) ~~(15)~~, the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness. The notice shall specify a period of time during which the applicant may complete the application in accordance with K.S.A. 25-2311, and amendments thereto, and be eligible to vote in the next election.

(l) The county election officer or secretary of state's office shall accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship. Evidence of United States citizenship as required in this section will be satisfied by presenting one of the documents listed in ~~paragraphs (1) through (13)~~ of subsection ~~subsections (1)(1) through (1)(13)~~ in person at the time of filing the application for registration or by including a photocopy of one of the following documents with a mailed registration application. After a person has submitted satisfactory evidence of citizenship, the county election officer shall indicate this information in the person's permanent voter file. Evidence of United States citizenship shall be satisfied by providing one of the following, or a legible photocopy of one of the following documents:

(1) The applicant's driver's license or nondriver's identification card issued by the division of vehicles or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver's license or nondriver's identification card that the person has provided satisfactory proof of United States citizenship;

(2) the applicant's birth certificate that verifies United States citizenship to the satisfaction of the county election officer or secretary of state;

(3) pertinent pages of the applicant's United States valid or expired passport identifying the applicant and the applicant's passport number, or presentation to the county election officer of the applicant's United States passport;

(4) the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States bureau of citizenship and immigration services by the county election officer or the secretary of state, pursuant to 8 U.S.C. § 1373(c);

(5) other documents or methods of proof of United States citizenship issued by the federal government pursuant to the immigration and nationality act of 1952, and amendments thereto;

(6) the applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number;

(7) the applicant's consular report of birth abroad of a citizen of the United States of

America;

(8) the applicant's certificate of citizenship issued by the United States citizenship and immigration services;

(9) the applicant's certification of report of birth issued by the United States department of state;

(10) the applicant's American Indian card, with KIC classification, issued by the United States department of homeland security;

(11) the applicant's final adoption decree showing the applicant's name and United States birthplace;

(12) the applicant's official United States military record of service showing the applicant's place of birth in the United States; or

(13) an extract from a United States hospital record of birth created at the time of the applicant's birth indicating the applicant's place of birth in the United States.

(m) If an applicant is a United States citizen but does not have any of the documentation listed in this section as satisfactory evidence of United States citizenship, such applicant may submit any evidence that such applicant believes demonstrates the applicant's United States citizenship.

(1) Any applicant seeking an assessment of evidence under this subsection may directly contact the elections division of the secretary of state by submitting a voter registration application or form as described by this section and any supporting evidence of United States citizenship. Upon receipt of this information, the secretary of state shall notify the state election board, as established under K.S.A. 25-2203, and amendments thereto, that such application is pending.

(2) The state election board shall give the applicant an opportunity for a hearing and an opportunity to present any additional evidence to the state election board. Notice of such hearing shall be given to the applicant at least five days prior to the hearing date. An applicant shall have the opportunity to be represented by counsel at such hearing.

(3) The state election board shall assess the evidence provided by the applicant to determine whether the applicant has provided satisfactory evidence of United States citizenship. A decision of the state election board shall be determined by a majority vote of the election board.

(4) If an applicant submits an application and any supporting evidence prior to the close of registration for an election cycle, a determination by the state election board shall be issued at least five days before such election date.

(5) If the state election board finds that the evidence presented by such applicant constitutes satisfactory evidence of United States citizenship, such applicant will have met the requirements under this section to provide satisfactory evidence of United States citizenship.

(6) If the state election board finds that the evidence presented by an applicant does not constitute satisfactory evidence of United States citizenship, such applicant shall have the right to appeal such determination by the state election board by instituting an action under 8 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the state election board shall be reversed if the applicant obtains a declaratory judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is a national of the United States.

(n) Any person who is registered in this state on the effective date of this

amendment to this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship.

(o) For purposes of this section, proof of voter registration from another state is not satisfactory evidence of United States citizenship.

(p) A registered Kansas voter who moves from one residence to another within the state of Kansas or who modifies such voter's registration records for any other reason shall not be required to submit evidence of United States citizenship.

(q) If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit:

(1) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(2) swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

(r) All documents submitted as evidence of citizenship shall be kept confidential by the county election officer or the secretary of state and maintained as provided by Kansas record retention laws. The provisions of this subsection shall expire on July 1, ~~2016~~ 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, ~~2016~~ 2021.

(s) The secretary of state may adopt rules and regulations ~~to~~ in order to implement the provisions of this section.

(t) Nothing in this section shall prohibit an applicant from providing, or the secretary of state or county election officer from obtaining satisfactory evidence of United States citizenship, as described in subsection (1), at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility can be adequately assessed by the secretary of state or county election officer as required by this section.

~~(u) The proof of citizenship requirements of this section shall not become effective until January 1, 2013.~~

Sec. 7. K.S.A. 2015 Supp. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance

act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include fraud investigators, who may be insurer employees or independent contractors and an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in subsection (d)(2) unless the legislature reviews and reenacts the provisions of subsection (d)(2) ~~pursuant to K.S.A. 45-229, and amendments thereto prior to such date.~~

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, ~~2016~~ 2021, unless the legislature reviews and reenacts this provision ~~pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016~~ 2021.

(e) Except as otherwise specifically provided in K.S.A. 2015 Supp. 21-5812(a), and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 8. K.S.A. 2015 Supp. 40-2,118a is hereby amended to read as follows: 40-2,118a. From and after July 1, 2011, (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written

statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: Fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in ~~paragraph (2) of this subsection (d) (2) unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229, and amendments thereto~~ subsection (d)(2) prior to such date.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, ~~2016~~ 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, ~~2016~~ 2021.

(e) Except as otherwise specifically provided in K.S.A. 21-3718, and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other

benefits made pursuant to any insurance policy.

Sec. 9. K.S.A. 2015 Supp. 40-4913 is hereby amended to read as follows: 40-4913.

(a) (1) Each insurer shall notify the commissioner whenever such insurer terminates a business relationship with an insurance agent if:

(A) The termination is for cause;

(B) such insurance agent has committed any act which would be in violation of any provision of ~~subsection (a)~~ of K.S.A. 2015 Supp. 40-4909(a), and amendments thereto; or

(C) such insurer has knowledge that such insurance agent is engaged in any activity which would be in violation of any provision of ~~subsection (a)~~ of K.S.A. 2015 Supp. 40-4909(a), and amendments thereto.

(2) The notification shall:

(A) Be made in a format prescribed by the commissioner;

(B) be submitted to the commissioner within 30 days of the date of the termination of the business relationship; and

(C) contain:

(i) The name of the insurance agent; and

(ii) the reason for the termination of the business relationship with such insurer.

(3) Upon receipt of a written request from the commissioner, each insurer shall provide to the commissioner any additional data, documents, records or other information concerning the termination of the insurer's business relationship with such agent.

(4) Whenever an insurer discovers or obtains additional information which would have been reportable under paragraph (1) ~~of this subsection~~, the insurer shall forward such additional information to the commissioner within 30 days of its discovery.

(b) (1) Each insurer shall notify the commissioner whenever such insurer terminates a business relationship with an insurance agent for any reason not listed in subsection (a).

(2) The notification shall:

(A) Be made in a format prescribed by the commissioner;

(B) be submitted to the commissioner within 30 days of the date of the termination of the business relationship.

(3) Upon receipt of a written request from the commissioner, each insurer shall provide to the commissioner any additional data, documents, records or other information concerning the termination of the insurer's business relationship with such agent.

(4) Whenever an insurer discovers or obtains additional information which would have been reportable under paragraph (1) ~~of this subsection~~, the insurer shall forward such additional information to the commissioner within 30 days of its discovery.

(c) For the purposes of this section, the term "business relationship" shall include any appointment, employment, contract or other relationship under which such insurance agent represents the insurer.

(d) (1) No insurance entity, or any agent or employee thereof acting on behalf of such insurance entity, regulatory official, law enforcement official or the insurance regulatory official of another state who provides information to the commissioner in good faith pursuant to this section shall be subject to a civil action for damages as a result of reporting such information to the commissioner. For the purposes of this

section, insurance entity shall mean any insurer, insurance agent or organization to which the commissioner belongs by virtue of the commissioner's office.

(2) Any document, material or other information in the control or possession of the department that is furnished by an insurance entity or an employee or agent thereof acting on behalf of such insurance entity, or obtained by the insurance commissioner in an investigation pursuant to this section shall be kept confidential by the commissioner. Such information shall not be made public or subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner pursuant to this act or any other provision of the insurance laws of this state.

(3) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be required to testify in any private civil action concerning any confidential documents, materials or information subject to paragraph (2).

(4) The commissioner may share or exchange any documents, materials or other information, including confidential and privileged documents referred to in ~~paragraph (2) of subsection (d)(2)~~, received in the performance of the commissioner's duties under this act, with:

- (A) The NAIC;
- (B) other state, federal or international regulatory agencies; and
- (C) other state, federal or international law enforcement authorities.

(5) (A) The sharing or exchanging of documents, materials or other information under this subsection shall be conditioned upon the recipient's authority and agreement to maintain the confidential and privileged status, if any, of the documents, materials or other information being shared or exchanged.

(B) No waiver of an existing privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized by ~~paragraph (1) of subsection (d)(1)~~.

(6) The commissioner of insurance is hereby authorized to adopt such rules and regulations establishing protocols governing the exchange of information as may be necessary to implement and carry out the provisions of this act.

(e) The provisions of ~~paragraph (2) of subsection (d)(2)~~ shall expire on July 1, ~~2016~~ 2021, unless the legislature acts to reenact such provision. The provisions of ~~paragraph (2) of subsection (d)(2)~~ shall be reviewed by the legislature prior to July 1, ~~2016~~ 2021.

(f) For the purposes of this section, insurance entity shall mean any insurer, insurance agent or organization to which the commissioner belongs by virtue of the commissioner's office.

(g) Any insurance entity, including any authorized representative of such insurance entity, that fails to report to the commissioner as required under the provisions of this section or that is found by a court of competent jurisdiction to have failed to report in good faith, after notice and hearing, may have its license or certificate of authority suspended or revoked and may be fined in accordance with K.S.A. 2015 Supp. 40-4909, and amendments thereto.

Sec. 10. K.S.A. 2015 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this

state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by section 1, and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, ~~officer,~~ agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; ~~or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.~~

(g) (1) "Public record" means any recorded information, regardless of form ~~or~~ characteristics or location, which is made, maintained or kept by or is in the possession of:

~~(A) Any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund; or~~

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection (g)(1), "public record" shall not include:

(A) Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or As used in this

subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state;

~~(3) "Public record" shall not include; or~~

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this ~~subsection~~ subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this ~~subsection~~ subparagraph paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 11. K.S.A. 2015 Supp. 45-229 is hereby amended to read as follows: 45-229.

(a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by

July 15, the language and statutory citation of each exception which will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law which creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law which creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be exempted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of this subsection (h) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and which have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217, 74-99d05 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) ~~during 2010 2015 and which have been reviewed during the 2016 legislative session~~ are hereby continued in existence until July 1, ~~2016 2021~~, at which time such exceptions shall expire: ~~12-5358~~, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, ~~40-955~~, 44-1132, ~~45-221(a)(10)(F) and (a)(50)~~, 60-3333, ~~65-4a05, 65-445(g)~~, 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and which have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are

hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2011 are hereby continued in existence until July 1, 2017, at which time such exceptions shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-8772 and 75-7427.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and which have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

Sec. 12. K.S.A. 2015 Supp. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports

identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement

officer, as defined in K.S.A. 2015 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2015 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2015 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in ~~bingo~~ charitable gaming licensee and registration applications and renewals in accordance with the ~~bingo act, K.S.A. 79-4701~~ Kansas charitable gaming act, K.S.A. 2015 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; and

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 13. K.S.A. 2015 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of public health of the department of health and environment as a part thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and

after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(5) Two members shall be attendants as defined in K.S.A. 65-6112, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under ~~paragraphs (1) through (7) of subsection (b); (1) through (b)(7);~~ Six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. ~~The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue to serve as chairperson and vice-chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.~~

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee which relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in subsections (a) and (e) without waiver of the privilege provided by this subsection ~~(f)~~ and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer which are privileged under this subsection ~~(f)~~ and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection ~~(f)~~ and K.S.A. 65-4915, and amendments thereto, prior to July 1, ~~2016~~ 2021.

(3) The provisions of this subsection ~~(f)~~ shall expire on July 1, ~~2016~~ 2021, unless the legislature reviews and reenacts this provision ~~pursuant to K.S.A. 45-229, and amendments thereto prior to July 1, 2021.~~

(g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in ~~subsection (e) of K.S.A. 75-3223(e), and amendments thereto.~~

Sec. 14. K.S.A. 2015 Supp. 75-5665 is hereby amended to read as follows: 75-5665. (a) The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:

(1) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to subsection ~~(f) of this section;~~

(2) develop a statewide trauma system plan including the establishment of regional trauma councils, using the 2001 Kansas EMS-Trauma Systems Plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:

(A) Maximize local and regional control over decisions relating to trauma care;  
(B) minimize bureaucracy;  
(C) adequately protect the confidentiality of proprietary and personal health information;

(D) promote cost effectiveness;  
(E) encourage participation by groups affected by the system;  
(F) emphasize medical direction and involvement at all levels of the system;  
(G) rely on accurate data as the basis for system planning and development; and  
(H) facilitate education of health care providers in trauma care;

(3) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care;

(4) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;

(5) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;

(6) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;

(7) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;

(8) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;

(9) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;

(10) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and

(11) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.

(b) (1) Any meeting of a regional trauma council or any part of a meeting of such a council during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. A regional trauma council and the officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) A regional trauma council or an officer thereof may advise, report to and discuss activities, information and findings of the council which relate to incidents of trauma injury or trauma care with the secretary of health and environment and make reports as provided in this section without waiver of the privilege provided by this subsection-(b) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such council or officer which are privileged under this subsection-(b) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection-(b) and K.S.A. 65-4915, and amendments thereto.

(3) The provisions of this subsection-(b) shall expire on July 1, ~~2016~~ 2021, unless the legislature reviews and reenacts this provision ~~pursuant to K.S.A. 45-229, and amendments thereto~~, prior to July 1, ~~2016~~ 2021.

Sec. 15. K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-217, 45-229, 75-5133, 75-5664 and 75-5665 are hereby repealed."

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 through 5; in line 6, by striking all before the period and inserting "public records; relating to audio and video recordings using a body camera or a vehicle camera; legislative review of exceptions to disclosure of public records; open records act definitions of criminal investigation records, public agency and public record; disclosure of charitable gaming licensee information; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-217, 45-229, 75-5133, 75-5664 and 75-5665 and repealing the existing sections";

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

JOHN BAKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

JEFF KING  
GREG SMITH  
DAVID HALEY

*Conferees on part of Senate*

Senator Smith moved the Senate adopt the Conference Committee Report on **Sub SB 22**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 319** 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, following line 5, by inserting:

"New Section 1. (a) This section shall be known and may be cited as the public speech protection act.

(b) The purpose of the public speech protection act is to encourage and safeguard the constitutional rights of a person to petition, and speak freely and associate freely, in connection with a public issue or issue of public interest to the maximum extent permitted by law while, at the same time, protecting the rights of a person to file meritorious lawsuits for demonstrable injury.

(c) As used in the public speech protection act:

(1) "Claim" means any lawsuit, cause of action, claim, cross-claim, counterclaim or other judicial pleading or filing requesting relief.

(2) "Communication" means the making or submitting of a statement or document in any form or medium, including oral, visual, written or electronic.

(3) "Exercise of the right of association" means a communication between individuals who join together to collectively express, promote, pursue or defend common interests.

(4) "Exercise of the right of free speech" means a communication made in connection with a public issue or issue of public interest.

(5) "Exercise of the right to petition" means any of the following:

(A) A communication in or pertaining to:

(i) A judicial proceeding;

(ii) an official proceeding, other than a judicial proceeding, to administer the law;

(iii) an executive or other proceeding before a department of the state, federal government, or other political subdivision of the state;

(iv) a legislative proceeding, including a proceeding of a legislative committee;

(v) a proceeding before an entity that requires by rule that public notice be given before proceedings of such entity;

(vi) a proceeding in or before a managing board of an educational institution supported directly or indirectly from public revenue;

(vii) a proceeding of the governing body of any political subdivision of this state;

(viii) a report of or debate and statements made in a proceeding described by subsection (c)(5)(A)(iii), (iv), (v), (vi) or (vii); or

(ix) a public meeting dealing with a public purpose, including statements and discussions at the meeting or other public issues or issues of public interest occurring at the meeting;

(B) a communication in connection with an issue under consideration or review by a legislative, executive, judicial or other governmental or official proceeding;

(C) a communication that is reasonably likely to encourage consideration or review of an issue by a legislative, executive, judicial or other governmental or official proceeding;

(D) a communication reasonably likely to enlist public participation in an effort to effect consideration of an issue by a legislative, executive, judicial or other governmental or official proceeding; and

(E) any other communication or conduct that falls within the protection of the right to petition the government under the constitution of the United States or the constitution of the state of Kansas.

(6) "Governmental proceeding" means a proceeding, other than a judicial proceeding, by an officer, official or body or political subdivision of this state, including a board or commission, or by an officer, official or body of the federal government.

(7) "Public issue or issue of public interest" includes an issue related to:

(A) Health or safety;

(B) environmental, economic or community well-being;

(C) the government;

(D) a public official or public figure; or

(E) a good, product or service in the marketplace.

(8) "Moving party" means any person on whose behalf the motion to strike is filed seeking to strike a claim.

(9) "Official proceeding" means any type of administrative, executive, legislative or judicial proceeding that may be conducted before a public servant.

(10) "Public servant" means a person elected, selected, appointed, employed or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed the person's duties:

(A) An officer, employee or agent of government;

(B) a juror;

(C) an arbitrator, mediator or other person who is authorized by law or private written agreement to hear or determine a cause or controversy;

(D) an attorney or notary public when participating in the performance of a governmental function; or

(E) a person who is performing a governmental function under a claim of right but is not legally qualified to do so.

(d) A party may bring a motion to strike the claim if a claim is based on, relates to or is in response to a party's exercise of the right of free speech, right to petition or right

of association. A party bringing the motion to strike has the initial burden of making a prima facie case showing the claim against which the motion is based concerns a party's exercise of the right of free speech, right to petition or right of association. If the moving party meets the burden, the burden shifts to the responding party to establish a likelihood of prevailing on the claim by presenting substantial competent evidence to support a prima facie case. If the responding party meets the burden, the court shall deny the motion. In making its determination, the court shall consider pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based. If the court determines the responding party established a likelihood of prevailing on the claim: (1) The fact that the court made that determination and the substance of the determination may not be admitted into evidence later in the case; and (2) the determination does not affect the burden or standard of proof in the proceeding. The motion to strike made under this subsection may be filed within 60 days of the service of the most recent complaint or, in the court's discretion, at any later time upon terms it deems proper. A hearing shall be held on the motion not more than 30 days after the service of the motion.

(e) (1) On a motion by a party or on the court's own motion and on a showing of good cause, the court may allow specified and limited discovery relevant to the motion.

(2) Except as provided by subsection (e)(1), all discovery, motions or other pending hearings shall be stayed upon the filing of the motion to strike. The stay of discovery shall remain in effect until the entry of the order ruling on the motion except that the court, on motion and for good cause shown, may order that specified discovery, motions or other pending hearings be conducted.

(f) The movant in a motion to strike has the right to: (1) Petition for a writ of mandamus if the trial court fails to rule on the motion in an expedited fashion; or (2) file an interlocutory appeal from a trial court order denying the motion to strike, if notice of appeal is filed within 14 days after entry of such order. However, under subsections (f) (1) and (2), further proceedings in the trial court shall be stayed pending determination of the appeal.

(g) The court shall award the defending party, upon a determination that the moving party has prevailed on its motion to strike, without regard to any limits under state law: (1) Costs of litigation and reasonable attorney fees; and (2) such additional relief, including sanctions upon the responding party and its attorneys and law firms, as the court determines necessary to deter repetition of the conduct by others similarly situated. If the court finds that the motion to strike is frivolous or solely intended to cause delay, the court shall award to the responding party reasonable attorney fees and costs related to the motion.

(h) This section does not apply to:

(1) An enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general or a district or county attorney;

(2) a claim brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services or an insurance product, insurance services or a commercial transaction in which the intended audience is an actual or potential buyer or customer, except as provided in subsection (i); or

(3) a claim brought under the Kansas insurance code or arising out of an insurance contract.

(i) Subsection (h)(2) shall not apply to any action against any person or entity based upon the creation, dissemination, exhibition, advertisement or other similar promotion of any dramatic, literary, musical, political or artistic work, including, but not limited to, a motion picture or television program, or an article published in a newspaper or magazine of general circulation.

(j) In any case filed by a government contractor that is found by a court to be in violation of this section, the court shall provide for its ruling to be sent to the head of the relevant governmental entity doing business with the contractor.

(k) The provisions of the public speech protection act shall be applied and construed liberally to effectuate its general purposes. If any provision of the public speech protection act or its application is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application.

Sec. 2. K.S.A. 60-1507 is hereby amended to read as follows: 60-1507. (a) *Motion attacking sentence.* A prisoner in custody under sentence of a court of general jurisdiction claiming the right to be released upon the ground that the sentence was imposed in violation of the constitution or laws of the United States, or the constitution or laws of the state of Kansas, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may, pursuant to the time limitations imposed by subsection (f), move the court which imposed the sentence to vacate, set aside or correct the sentence.

(b) *Hearing and judgment.* Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the county attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. The court may entertain and determine such motion without requiring the production of the prisoner at the hearing. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or is otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence said prisoner or grant a new trial or correct the sentence as may appear appropriate.

(c) *Successive motions.* The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

(d) *Appeal.* An appeal may be taken to the appellate court as provided by law from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

(e) *Exclusiveness of remedy.* An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced said applicant, or that such court has denied said applicant relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of said applicant's detention.

(f) *Time limitations.* (1) Any action under this section must be brought within one year of:

~~(A)~~ The final order of the last appellate court in this state to exercise jurisdiction on a direct appeal or the termination of such appellate jurisdiction; or

~~(B)~~ the denial of a petition for writ of certiorari to the United States supreme court or issuance of such court's final order following granting such petition.

(2) The time limitation herein may be extended by the court only to prevent a manifest injustice.

(A) For purposes of finding manifest injustice under this section, the court's inquiry shall be limited to determining why the prisoner failed to file the motion within the one-year time limitation or whether the prisoner makes a colorable claim of actual innocence. As used herein, the term actual innocence requires the prisoner to show it is more likely than not that no reasonable juror would have convicted the prisoner in light of new evidence.

(B) If the court makes a manifest-injustice finding, it must state the factual and legal basis for such finding in writing with service to the parties.

(3) If the court, upon its own inspection of the motions, files and records of the case, determines the time limitations under this section have been exceeded and that the dismissal of the motion would not equate with manifest injustice, the district court must dismiss the motion as untimely filed.

Sec. 3. K.S.A. 60-31a02 is hereby amended to read as follows: 60-31a02. As used in the protection from stalking act:

(a) "Stalking" means an intentional harassment of another person that places the other person in reasonable fear for that person's safety.

(b) "Harassment" means a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. "Harassment" shall include any course of conduct carried out through the use of an unmanned aerial system over or near any dwelling, occupied vehicle or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.

(c) "Course of conduct" means conduct consisting of two or more separate acts over a period of time, however short, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress. Constitutionally protected activity is not included within the meaning of "course of conduct."

(d) "Unmanned aerial system" means a powered, aerial vehicle that:

(1) Does not carry a human operator;

(2) uses aerodynamic forces to provide vehicle lift;

(3) may fly autonomously or be piloted remotely;

(4) may be expendable or recoverable; and

(5) may carry a lethal or nonlethal payload.";

And by renumbering sections accordingly;

Also on page 1, in line 13, after "K.S.A." by inserting "60-1507, 60-31a02 and"; also in line 13, by striking "is" and inserting "are"; in line 15, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, by striking "for limited actions"; also in line 1, after the semicolon by inserting "enacting the public speech protection act;"; also in line 1, after "to" by inserting "habeas corpus; the protection from stalking act;"; in line 2, after "K.S.A." by inserting "60-1507, 60-31a02 and"; in line 3, by striking "section" and inserting "sections";

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

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

JEFF KING  
GREG SMITH  
DAVID HALEY

*Conferees on part of Senate*

Senator Smith moved the Senate adopt the Conference Committee Report on **SB 319**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2436** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 4;

On page 5, by striking lines 1 and 2 and inserting:

"Section 1. K.S.A. 32-1139 is hereby amended to read as follows: 32-1139. (a) On and after January 1, 2001:

(1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by this act.

(2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a)(1).

(3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(4) The requirement in subsection (a)(1) shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while such person is enrolled in an instructor-led class.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a

motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course; or (2) is legally exempt from the requirements of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest.

Sec. 2. K.S.A. 32-1139 is hereby repealed.";

Also on page 5, in line 4, by striking all before "its"; also in line 4, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "motor vehicles" and inserting "boating"; also in line 1, by striking all after "to"; in line 2, by striking all before the semicolon and inserting "safety education courses, exemptions therefrom"; also in line 2, by striking "2015 Supp. 8-240" and inserting "32-1139";

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

MIKE PETERSEN

KAY WOLF

DAVID HALEY

*Conferees on part of Senate*

RICH PROEHL

RONALD RYCKMAN, SR.

ADAM LUSKER

*Conferees on part of House*

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2436**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2462** 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, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in ~~subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-~~

4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e), subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments thereto;

(2) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f), subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments thereto;

(3) any hallucinogenic drug designated in ~~subsection (d) of K.S.A. 65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of K.S.A. 65-4109(g),~~ and amendments thereto;

(4) any substance designated in ~~subsection (g) of K.S.A. 65-4105(g) and subsection (e), (d), (e), (f) or (g) of K.S.A. 65-4111(c), (d), (e), (f) or (g),~~ and amendments thereto;

(5) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-4109(f),~~ and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in ~~subsection (h) of K.S.A. 65-4105(h),~~ and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony; ~~and,~~

(2) Except as provided in subsection (c)(3):

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subsection (c)(2)(B); and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in ~~subsection (d) of K.S.A. 65-4105(d),~~ and amendments thereto, or any substance designated in ~~subsection (h) of K.S.A. 65-4105(h),~~ and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, violation of subsection (b) is a:

(A) Class B nonperson misdemeanor, except as provided in (c)(3)(B) and (c)(3)(C):

(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and

(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.";

Also on page 1, in line 25, by striking "\$1,250" and inserting "\$1,500"; in line 29, by

striking "\$1,250" and inserting "\$1,500"; in line 31, by striking "\$1,250" and inserting "\$1,500";

On page 2, in line 3, by striking "\$1,250" and inserting "\$1,500"; following line 18, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 21-5807 is hereby amended to read as follows: 21-5807. (a) Burglary is, without authority, entering into or remaining within any:

(1) Dwelling, with intent to commit a felony, theft or sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any:

(1) Dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) any vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being with intent to commit a felony, theft or sexually motivated crime therein.

(c) (1) Burglary as defined in:

~~(A) Subsection (a)(1) is a severity level 7, person felony, except as provided in subsection (e)(2);~~

~~(B) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (e)(2);~~

~~(C) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (e)(2); and~~

~~(2) subsection (a)(1), (a)(2) or (a)(3) with the intent to commit the theft of a firearm is a severity level 5, nonperson felony.~~

(A) (i) Subsection (a)(1) or (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

(ii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.

~~(3)(2) Aggravated burglary as defined in:~~

~~(A) Subsection (b)(1) is a severity level 4, person felony; and~~

~~(B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.~~

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) This section shall not apply to any person entering into or remaining in a retail

or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2015 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein.

Sec. 4. K.S.A. 2015 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	1+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	2+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653-620-592	618-586-554	585-572-538	567-533-506	549-534-523	526-514-503	503-495-484	489-476-466	465-455-447
II	603-607-442	600-639-616	510-505-494	480-480-481	484-479-468	468-460-452	454-446-438	438-431-423	423-417-410
III	507-507-507	428-416-406	407-402-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400
IV	372-402-384	404-354-344	350-350-350	350-350-350	350-350-350	350-350-350	350-350-350	350-350-350	350-350-350
V	436-430-422	428-420-414	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400
VI	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400	400-400-400
VII	304-302-300	300-290-287	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280
VIII	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280	280-280-280
IX	170-160-150	150-140-130	130-120-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110
X	130-120-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110	110-110-110

**LEGEND**

— Proportionate Reduction

— Proportionate Increase

— Proportionate Increase or Decrease

— Proportionate Increase or Decrease

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

- (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

- (A) Prison sentence; and
- (B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 2015 Supp. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 2015 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2015 Supp. 21-5414(b)(3), K.S.A. 2015 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2015 Supp. 21-6412 and K.S.A. 2015 Supp. 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 2015 Supp. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation

sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 2015 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2015 Supp. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 2015 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, K.S.A. 2015 Supp. 21-5414(b)(3), K.S.A. 2015 Supp. 21-5823(b)(3) and (b)(4), K.S.A. 2015 Supp. 21-6412 and K.S.A. 2015 Supp. 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 2015 Supp. 8-1025 or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2015 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

- (A) The commission of one or more person felonies; or
  - (B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and
  - (C) its members have a common name or common identifying sign or symbol; and
  - (D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.
- (l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 2015 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2015 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2015 Supp. 21-5807(a)(1) or (a)(2), or K.S.A. 2015 Supp. 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.
- (m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2015 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).
- (n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2015 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2015 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (o) The sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-

5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 2015 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 2015 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2015 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

- (q) As used in this section, an "optional nonprison sentence" is a sentence which

the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 2015 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2015 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2015 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2015 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 2015 Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 2015 Supp. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such

paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.;

Also on page 2, in line 19, after "Supp." by inserting "21-5706,"; also in line 19, by striking "is" and inserting ", 21-5807 and 21-6804 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "possession of controlled substances,"; also in line 2, after the semicolon by inserting "burglary,"; also in line 2, after "Supp." by inserting "21-5706,"; also in line 2, after "21-5801" by inserting ", 21-5807 and 21-6804"; in line 3, by striking "section" and inserting "sections";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2462**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Haley.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2501** 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, following line 7, by inserting:

"New Section 1. (a) Unlawful transmission of a visual depiction of a child is knowingly transmitting a visual depiction of a child 12 or more years of age but less than 18 years of age in a state of nudity when the offender is less than 19 years of age.

(b) Aggravated unlawful transmission of a visual depiction of a child is:

(1) Knowingly transmitting a visual depiction of a child 12 or more years of age but less than 18 years of age in a state of nudity:

(A) With the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm;

(B) for pecuniary or tangible gain; or

(C) with the intent to exhibit or transmit such visual depiction to more than one person; and

(2) when the offender is less than 19 years of age.

(c) (1) Unlawful transmission of a visual depiction of a child is a:

(A) Class A person misdemeanor, except as provided in subsection (c)(1)(B); and

(B) severity level 10, person felony upon a second or subsequent conviction.

(2) Aggravated unlawful transmission of a visual depiction of a child is a:

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

(B) severity level 7, person felony upon a second or subsequent conviction.

(d) It shall be a rebuttable presumption that an offender had the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm if the offender transmitted a visual depiction of a person other than such child in a state of nudity to more than one person.

(e) The provisions of this section shall not apply to transmission of a visual depiction of a child in a state of nudity by the child who is the subject of such visual depiction.

(f) The provisions of this section shall not apply to a visual depiction of a child engaged in sexually explicit conduct or a visual depiction that constitutes obscenity as defined in K.S.A. 2015 Supp. 21-6401(f)(1), and amendments thereto.

(g) As used in this section and section 2, and amendments thereto:

(1) "Sexually explicit conduct" means actual or simulated: Sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation and sado-masochistic abuse for the purpose of sexual stimulation;

(2) "state of nudity" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered;

(3) "transmission" means any form of communication, including, but not limited to, physical transmission of paper and electronic transmission that creates a record that may be retained and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Transmission also includes a request to receive a transmission of a visual depiction; and

(4) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture made or produced by electronic, mechanical or other means.

New Sec. 2. (a) Unlawful possession of a visual depiction of a child is knowingly possessing a visual depiction of a child 12 years of age or older but less than 16 years of age in a state of nudity, if committed by a person less than 19 years of age, and the possessor of such visual depiction received such visual depiction directly and exclusively from the child who is the subject of such visual depiction.

(b) Unlawful possession of a visual depiction of a child is a class B person misdemeanor.

(c) It shall be an affirmative defense to any prosecution under this section that the recipient of a visual depiction of a child in a state of nudity:

(1) Received such visual depiction without requesting, coercing or otherwise attempting to obtain such visual depiction;

(2) did not transmit, exhibit or disseminate such visual depiction; and

(3) made a good faith effort to erase, delete or otherwise destroy such visual depiction.

(d) The provisions of this section shall not apply to possession of a visual depiction of a child in a state of nudity if the person possessing such visual depiction is the child who is the subject of such visual depiction.

(e) The provisions of this section shall not apply to a visual depiction of a child engaged in sexually explicit conduct or a visual depiction that constitutes obscenity as defined in K.S.A. 2015 Supp. 21-6401(f)(1), and amendments thereto.

(f) It shall not be unlawful for a person who is less than 19 years of age to possess a visual depiction of a child in a state of nudity who is 16 years of age or older.";

Also, on page 1, following line 20, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 21-5510 is hereby amended to read as follows: 21-5510. (a) Except as provided in sections 1 and 2, and amendments thereto, sexual exploitation of a child is:

(1) Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;

(2) possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;

(3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or

(4) promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance.

(b) (1) Sexual exploitation of a child as defined in:

(A) Subsection (a)(2) or (a)(3) is a severity level 5, person felony; and

(B) subsection (a)(1) or (a)(4) is a severity level 5, person felony, except as provided in subsection (b)(2).

(2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) or attempt, conspiracy or criminal solicitation to commit sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-grid person felony, when the offender is 18 years of age or older and the child is under 14 years of age.

(c) If the offender is 18 years of age or older and the child is under 14 years of age, the provisions of:

(1) ~~Subsection (c) of~~ K.S.A. 2015 Supp. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);

(2) ~~subsection (c) of~~ K.S.A. 2015 Supp. 21-5302(c), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and

(3) ~~subsection (d) of~~ K.S.A. 2015 Supp. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4).

(d) As used in this section:

(1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;

(2) "promoting" means procuring, transmitting, distributing, circulating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:

(A) For pecuniary profit; or

(B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender or any other person;

(3) "performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation;

(4) "nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and

(5) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.

(e) The provisions of this section shall not apply to possession of a visual depiction of a child in a state of nudity if the person possessing such visual depiction is the child who is the subject of such visual depiction.";

On page 3, following line 38, by inserting:

"Sec. 7. K.S.A. 2015 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

(1) A sex offender;

(2) a violent offender;

(3) a drug offender;

(4) any person who has been required to register under out of state law or is otherwise required to be registered; and

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) "Sex offender" includes any person who:

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3) has been determined to be a sexually violent predator;

(4) on or after July 1, 1997, is convicted of any of the following crimes when one

of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2015 Supp. 21-5511, and amendments thereto;

(B) criminal sodomy, as defined in ~~subsection (a)(1) of~~ K.S.A. 21-3505(a)(1), prior to its repeal, or ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 2015 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto;

(C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2015 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2015 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2015 Supp. 21-5513, and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2015 Supp. 21-5505, and amendments thereto;

(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or

(7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5506(a), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~ K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or (a)(4) of~~ K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5504(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5508(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5508(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5505(b), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5604(b), and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and

K.S.A. 2015 Supp. 21-5509, and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5426**(b)**, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto;

(15) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(16) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

(17) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or ~~subsections (a)(1), (a)(2) or (a)(4) of~~ K.S.A. 2015 Supp. 21-5405**(a)(1), (a)(2) or (a)(4)**, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsection (a)(3) of~~ K.S.A. 2015 Supp. 21-5405**(a)(3)**, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5408**(a)**, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5408**(b)**, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2015 Supp. 21-5411, and amendments thereto, except by a parent, and only when the

victim is less than 18 years of age; or

(1) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b) of K.S.A. 2015 Supp. 21-5426(b)~~, and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(f) "Drug offender" includes any person who, on or after July 1, 2007:

(1) Is convicted of any of the following crimes:

(A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2015 Supp. 21-5703, and amendments thereto;

(B) possession of 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, as defined in ~~subsection (a) of K.S.A. 65-7006(a)~~, prior to its repeal, ~~subsection (a) of K.S.A. 2010 Supp. 21-36a09(a)~~, prior to its transfer, or ~~subsection (a) of K.S.A. 2015 Supp. 21-5709(a)~~, and amendments thereto;

(C) K.S.A. 65-4161, prior to its repeal, ~~subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05(a)(1)~~, prior to its transfer, or ~~subsection (a)(1) of K.S.A. 2015 Supp. 21-5705(a)(1)~~, and amendments thereto. The provisions of this paragraph shall not apply to violations of ~~subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05(a)(2) through (a)(6) or (b)~~ which occurred on or after July 1, 2009, through April 15, 2010;

(2) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more nonconsecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

(t) (1) Notwithstanding any other provision of this section, "offender" shall not include any person who is:

(A) Convicted of unlawful transmission of a visual depiction of a child, as defined in section 1(a), and amendments thereto, aggravated unlawful transmission of a visual depiction of a child, as defined in section 1(b), and amendments thereto, or unlawful possession of a visual depiction of a child, as defined in section 2, and amendments thereto; or

(B) adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a crime defined in subsection (t)(1)(A).

(2) Notwithstanding any other provision of law, a court shall not order any person to register under the Kansas offender registration act for the offenses described in subsection (t)(1).";

Also on page 3, in line 39, after the comma by inserting "21-5510,"; also in line 39, by striking "and" and inserting a comma; also in line 39, following "22-2619" by inserting "and 22-4902";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child;"; in line 3, after the semicolon by inserting "prohibiting offender registration for certain crimes;"; in line 4, after the comma by inserting "21-5510,"; also in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-2619" by inserting "and 22-4902";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2501**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2545** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 3, in line 8, after the period by inserting "The provisions of this subparagraph shall only be used to redact and shall not be used to seal affidavits or sworn testimony.";

On page 6, in line 28, after the period by inserting "The provisions of this subparagraph shall only be used to redact and shall not be used to seal affidavits or sworn testimony.";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2545**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2615** 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 10, following line 38, by inserting:

"(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.";

On page 11, following line 29, by inserting:

"Sec. 5. K.S.A. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than:

- (1) A charitable health care provider;
- (2) a hospital owned by a municipality and the employees thereof;
- (3) a local health department and the employees thereof;
- (4) an indigent health care clinic and the employees thereof; ~~or~~
- (5) a district coroner or deputy district coroner appointed pursuant to K.S.A. 22a-226, and amendments thereto; or
- (6) a community mental health center and the employees thereof.

(b) Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than those health care providers enumerated in subsection (a), arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(c) As used in this section:

(1) "Indigent health care clinic" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(2) "Charitable health care provider" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(3) "Health care provider" shall have the meaning ascribed to such term under K.S.A. 40-3401, and amendments thereto.

(4) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility.

(5) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241, and amendments thereto.

New Sec. 6. Sections 6 through 29, and amendments thereto, shall be known and may be cited as the acupuncture practice act.

New Sec. 7. As used in the acupuncture practice act:

(a) "ACAOM" means the national accrediting agency recognized by the U.S. department of education that provides accreditation for educational programs for acupuncture and oriental medicine. For purposes of the acupuncture practice act, the term ACAOM shall also include any entity deemed by the board to be the equivalent of ACAOM.

(b) "Act" means the acupuncture practice act.

(c) "Acupuncture" means the use of needles inserted into the human body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body and stimulating the body to restore itself to its proper functioning and state of health.

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

(e) "Council" means the acupuncture advisory council established by section 18, and amendments thereto.

(f) "Licensed acupuncturist" means any person licensed to practice acupuncture under the acupuncture practice act.

(g) "NCCAOM" means the national certification commission for acupuncture and oriental medicine. NCCAOM is a national organization that validates entry-level competency in the practice of acupuncture and oriental medicine through the administration of professional certification examinations. For purposes of the acupuncture practice act, the term NCCAOM shall also include any entity deemed by the board to be the equivalent of the NCCAOM.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathy in Kansas.

(i) "Practice of acupuncture" includes, but is not limited to:

(1) Techniques sometimes called "dry needling," "trigger point therapy,"

"intramuscular therapy," "auricular detox treatment" and similar terms;

(2) mechanical, thermal, pressure, suction, friction, electrical, magnetic, light, sound, vibration, manual and electromagnetic treatment;

(3) the use, application or recommendation of therapeutic exercises, breathing techniques, meditation and dietary and nutritional counselings; and

(4) the use and recommendation of herbal products and nutritional supplements, according to the acupuncturist's level of training and certification by the NCCAOM or its equivalent.

(j) "Practice of acupuncture" does not include:

(1) Prescribing, dispensing or administering of any controlled substances as defined in K.S.A. 65-4101 et seq., and amendments thereto, or any prescription-only drugs;

(2) the practice of medicine and surgery, including obstetrics and the use of lasers or ionizing radiation;

(3) the practice of osteopathic medicine and surgery or osteopathic manipulative treatment;

(4) the practice of chiropractic;

(5) the practice of dentistry; or

(6) the practice of podiatry.

New Sec. 8. (a) On and after July 1, 2017, except as otherwise provided in this act, no person shall practice acupuncture unless such person possesses a current and valid acupuncture license issued under this act.

(b) (1) No person shall depict oneself orally or in writing, expressly or by implication, as a holder of a license who does not hold a current license under this act.

(2) Only persons licensed under this act shall be entitled to use the title "licensed acupuncturist" or the designated letters "L.Ac."

(3) Nothing in this section shall be construed to prohibit an acupuncturist licensed under this act from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to denote any educational degrees, certifications or credentials which such licensed acupuncturist has earned.

(4) Violation of this section shall constitute a class B misdemeanor.

New Sec. 9. Needles used in the practice of acupuncture shall only be prepackaged, single-use and sterile. These needles shall only be used on an individual patient in a single treatment session.

New Sec. 10. (a) The following shall be exempt from the requirements for an acupuncture license pursuant to this act:

(1) Any person licensed in this state to practice medicine and surgery, osteopathy, dentistry or podiatry, a licensed chiropractor or a licensed naturopathic doctor, if the person confines the person's acts or practice to the scope of practice authorized by their health professional licensing laws and does not represent to the public that the person is licensed under this act;

(2) any herbalist or herbal retailer who does not hold oneself out to be a licensed acupuncturist;

(3) any health care provider in the United States armed forces, federal facilities and other military service when acting in the line of duty in this state;

(4) any student, trainee or visiting teacher of acupuncture, oriental medicine or herbology who is designated as a student, trainee or visiting teacher while participating in a course of study or training under the supervision of a licensed acupuncturist

licensed under this act in a program that the council has approved. This includes continuing education programs and any acupuncture or herbology programs that are a recognized route by the NCCAOM, or its equivalent, to certification;

- (5) any person rendering assistance in the case of an emergency or disaster relief;
- (6) any person practicing self-care or any family member providing gratuitous care, so long as such person or family member does not represent or hold oneself out to the public to be an acupuncturist;
- (7) any person who massages, so long as such person does not practice acupuncture or hold oneself out to be a licensed acupuncturist;
- (8) any person whose professional services are performed pursuant to delegation by and under the supervision of a practitioner licensed under this act;
- (9) any team acupuncturist or herbology practitioner, who is traveling with and treating those associated with an out-of-state or national team that is temporarily in the state for training or competition purposes; and
- (10) any person licensed as a physical therapist when performing dry needling, trigger point therapy or services specifically authorized in accordance with the provisions of the physical therapy practice act.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 11. An applicant for licensure as an acupuncturist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant:

- (a) Is at least 21 years of age;
- (b) has successfully completed secondary schooling or its equivalent;
- (c) has satisfactorily completed a course of study involving acupuncture from an accredited school of acupuncture which the board shall determine to have educational standards substantially equivalent to the minimum educational standards for acupuncture colleges as established by the ACAOM or NCCAOM;
- (d) has satisfactorily passed a license examination approved by the board;
- (e) has the reasonable ability to communicate in English; and
- (f) has paid all fees required for licensure pursuant to section 16, and amendments thereto.

New Sec. 12. (a) The board, without examination, may issue a license to a person who has been in the active practice of acupuncture in some other state, territory, the District of Columbia or other country upon certification by the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or received other disciplinary actions and that, so far as the records of such authority are concerned, the applicant is entitled to such licensing authority's endorsement. The applicant shall also present proof satisfactory to the board:

- (1) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained in Kansas;
- (2) that the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state;
- (3) the date of the applicant's original license and all endorsed licenses and the date and place from which any license was attained;

(4) the applicant has been actively engaged in practice under such license or licenses since issued. The board may adopt rules and regulations establishing qualitative and quantitative practice activities which qualify as active practice;

(5) that the applicant has a reasonable ability to communicate in English; and

(6) that the applicant has paid all the application fees as prescribed by section 16, and amendments thereto.

(b) An applicant for a license by endorsement shall not be licensed unless, as determined by the board, the applicant's individual qualifications are substantially equivalent to the Kansas requirements for licensure under the acupuncture practice act.

New Sec. 13. The board shall waive the education and examination requirements for an applicant who submits an application on or before January 1, 2018, and who, on or before July 1, 2017:

(a) Is 21 years of age or older;

(b) has successfully completed secondary schooling or its equivalent;

(c) (1) (A) has completed a minimum of 1,350 hours of study, excluding online study in the field of acupuncture; and

(B) has been engaged in the practice of acupuncture with a minimum of 1,500 patient visits during a period of at least three of the five years immediately preceding July 1, 2017, as evidenced by two affidavits from office partners, clinic supervisors or other individuals approved by the board, who have personal knowledge of the years of practice and number of patients visiting the applicant for acupuncture. The board may adopt rules and regulations for further verification of the applicant's practice of acupuncture; or

(2) has satisfactorily passed a license examination approved by the board;

(d) has a reasonable ability to communicate in English; and

(e) has paid all fees required for licensure as prescribed by section 16, and amendments thereto.

New Sec. 14. (a) The license shall be canceled on March 31 of each year unless renewed in the manner prescribed by the board. In each case in which a license is renewed for a period of time of less than 12 months, the board may prorate the amount of the fee established under section 16, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the renewal date of the license.

(b) There is hereby created a designation of an active license. The board is authorized to issue an active license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensed acupuncturists shall be established by rules and regulations adopted by the board.

(c) The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(d) At least 30 days before the renewal date of a licensee's license, the board shall notify the licensee of the renewal date by mail addressed to the licensee's last known mailing address. If the licensee fails to submit the renewal application and pay the

renewal fee by the renewal date of the license, the licensee shall be given notice that the licensee has failed to submit the renewal application and pay the renewal fee by the renewal date of the license, that the license will be deemed canceled if not renewed within 30 days following the renewal date, that upon receipt of the renewal application and renewal fee and an additional late fee established by rules and regulations not to exceed \$500 within the 30-day period, the license will not be canceled and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(e) Any license canceled for failure to renew may be reinstated within two years of cancellation upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing education requirements established by the board by rules and regulations. Any person who has not been in the active practice of acupuncture for which reinstatement is sought or who has not been engaged in a formal educational program during the two years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(f) There is hereby created a designation of an exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of acupuncture for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of acupuncture upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 16, and amendments thereto. For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of acupuncture since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety. Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee of: (1) A local health department as defined by K.S.A. 65-241, and amendments thereto; or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(g) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for

such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an inactive license only to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice acupuncture in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by subsection (b). Each inactive licensee may apply for an active license upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 16, and amendments thereto. For those licensees whose licenses have been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of acupuncture or engaged in a formal education program since the license has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(h) This section shall take effect on and after July 1, 2017.

New Sec. 15. A person whose license has been revoked may apply for reinstatement after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by the fee established by the board in accordance with section 16, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement. If the board determines that a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

New Sec. 16. The board shall charge and collect in advance nonrefundable fees for acupuncturists as established by the board by rules and regulations, not to exceed:

Initial application for licensure .....	\$700
Annual renewal for active license – paper .....	\$300
Annual renewal for active license – online .....	\$250
Annual renewal for inactive license – paper .....	\$200
Annual renewal for inactive license – online .....	\$150
Annual renewal for exempt license – paper .....	\$200
Annual renewal for exempt license – online .....	\$150
Late renewal fee .....	\$100

Conversion from inactive to active license .....	\$300
Conversion from exempt to active license .....	\$300
Application for reinstatement of revoked license .....	\$1,000
Certified copy of license .....	\$25
Written verification of license .....	\$25

New Sec. 17. The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

New Sec. 18. (a) There is hereby established the acupuncture advisory council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas, appointed as follows:

(1) The board shall appoint one member who is a physician licensed to practice medicine and surgery or osteopathy. The member appointed by the board shall serve at the pleasure of the board. The governor shall appoint three acupuncturists who have at least three years' experience in acupuncture preceding appointment and are actively engaged, in this state, in the practice of acupuncture or the teaching of acupuncture. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas association of oriental medicine. The governor shall appoint one member from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible, persons appointed by the governor to the council shall be from different geographic areas.

(2) The members appointed by the governor shall be appointed for terms of four years and until a successor is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(b) The council shall meet at least once each year at a time of its choosing at the board's main office and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(c) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(d) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the healing arts fee fund.

New Sec. 19. The acupuncture advisory council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) the number of yearly continuing education hours required to maintain active licensure;

- (d) changes and new requirements taking place in the areas of acupuncture; and
- (e) such other duties and responsibilities as the board may assign.

New Sec. 20. The board shall promulgate all necessary rules and regulations which may be necessary to administer the provisions of this act and to supplement the provisions herein.

New Sec. 21. (a) A licensee's license may be revoked, suspended, limited or placed on probation, or the licensee may be publicly censured, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

- (1) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;
- (2) the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;
- (3) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board;
- (4) the licensee has been convicted of a felony;
- (5) the licensee has violated any provision of the acupuncture practice act;
- (6) the licensee has violated any lawful order or rule and regulation of the board;
- (7) the licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;
- (8) the licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (9) the licensee has surrendered a license or authorization to practice as an acupuncturist in another state or jurisdiction, has agreed to a limitation or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (10) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as an acupuncturist in another state or jurisdiction or the surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (11) the licensee has an adverse judgment, award or settlement rendered against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (12) the licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; or

(13) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or use of alcohol, drugs or controlled substances. When reasonable suspicion of impairment exists, the board may take action in accordance with K.S.A. 65-2842, and amendments thereto. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding. This provision regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of the acupuncture practice act. All administrative proceedings conducted pursuant to this act shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(c) This section shall take effect on and after July 1, 2017.

New Sec. 22. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under the acupuncture practice act. Any such action shall be taken in accordance with the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

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

(d) Judicial review and civil enforcement of any agency action under this act shall be in accordance with the Kansas judicial review act.

New Sec. 23. The board or a committee of the board may implement non-disciplinary resolutions concerning a licensed acupuncturist consistent with the provisions of K.S.A. 65-2838a, and amendments thereto.

New Sec. 24. The state board of healing arts, in addition to any other penalty prescribed under the acupuncture practice act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the acupuncture practice act in an amount not to exceed \$2,000 for a first violation, \$5,000 for a second violation and \$10,000 for a third violation and any subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4218, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. Fines collected under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.

New Sec. 25. (a) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information, except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act.

(b) Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be re-disclosed by the receiving agency except as otherwise authorized by law.

(c) This section regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

New Sec. 26. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against a person licensed, registered or certified by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice acupuncture and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

New Sec. 27. (a) The confidential relations and communications between a licensed acupuncturist and the acupuncturist's patient are placed on the same basis as those established between a physician and a physician's patient in K.S.A. 60-427, and amendments thereto.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 28. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 29. If any provision of the acupuncture practice act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the acupuncture practice act which can be given effect without the invalid provision or application, and to this end the provisions of the acupuncture practice act are declared to be severable.

Sec. 30. K.S.A. 2015 Supp. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

- (a) Persons rendering gratuitous services in the case of an emergency.
- (b) Persons gratuitously administering ordinary household remedies.
- (c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.
- (d) Students while in actual classroom attendance in an accredited healing arts school who after completing one year's study treat diseases under the supervision of a licensed instructor.
- (e) Students upon the completion of at least three years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 180 days under the supervision of a licensed practitioner.
- (f) Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.
- (g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act.
- (h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals or groups, or both, provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.
- (i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.
- (j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in consultation with practitioners licensed in this state.
- (k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(o) Every act or practice falling in the field of the healing arts, not specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, who administers general and local anesthetics to facilitate medical procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899, and amendments thereto, to administer such general and local anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of another state who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state, but who order services which are performed in this state in accordance with rules and regulations of the board. The board shall adopt rules and regulations identifying circumstances in which professional services may be performed in this state based upon an order by a practitioner of the healing arts licensed under the laws of another state.

(s) Acupuncturists, when licensed and practicing in accordance with sections 6 through 29, and amendments thereto, rules and regulations adopted thereto, and interpretations thereof by the supreme court of this state.

(t) Persons licensed by the state board of cosmetology practicing their professions, when licensed and practicing under and in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

New Sec. 31. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist.

(b) This section shall be part of and supplemental to the physical therapy practice act.

Sec. 32. K.S.A. 2015 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 amendments thereto~~ the physical therapy practice act:

(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; dry needling; 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 who is licensed pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 appropriate, as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(c) "Physical therapist assistant" means a person who is certified pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~, the physical therapy practice 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, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

- (d) "Board" means the state board of healing arts.
- (e) "Council" means the physical therapy advisory council.
- (f) "Dry needling" means a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.

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

~~(g)~~ (h) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

Sec. 33. K.S.A. 2015 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) ~~of this section~~:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under ~~subsection (g)~~ of K.S.A. 65-2872(g), and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under ~~subsection (m)~~ of K.S.A. 65-1124(m), and amendments thereto;
- (8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;
- (9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;
- (10) self-care by a patient or gratuitous care by a friend or family member;
- (11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
- (13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;
- (14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;
- (15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;
- (16) persons practicing corrective therapy in accordance with their training in corrective therapy;
- (17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; ~~and~~

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; ~~and~~

(23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice act.

New Sec. 34. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the behavioral sciences regulatory board may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or another jurisdiction. The behavioral sciences regulatory board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The behavioral sciences regulatory board may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the behavioral sciences regulatory board in the taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the behavioral sciences regulatory board.

(c) The behavioral sciences regulatory board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the behavioral sciences regulatory board fee fund. The behavioral sciences regulatory board shall remit all moneys received by or for it from

fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the behavioral sciences regulatory board fee fund.

Sec. 35. K.S.A. 65-5806 is hereby amended to read as follows: 65-5806. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-5808, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-5808, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, a licensee shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-5808, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 36. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~—Registration, certification or licensure to practice professional counseling ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a ~~masters~~ master's degree in counseling from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2) of subsection (a)(1) or (a)(2)~~ and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 37. K.S.A. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board ~~shall~~ may ~~fix by rules and regulations~~ the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as a professional counselor, not more than \$100;
  - (2) for an original license as a professional counselor, not more than \$175;
  - (3) for ~~examination~~ a temporary license as a professional counselor, not more than \$175;
  - (4) for renewal ~~of a license~~ for licensure as a professional counselor, not more than \$150;
  - (5) ~~for reinstatement of a license, not more than \$175;~~
  - (6) ~~for replacement of a license, not more than \$20;~~
  - (7) ~~for application for licensure as a clinical professional counselor, not more than \$175;~~
  - (6) for licensure as a clinical professional counselor, not more than \$175;
  - (8) ~~(7)~~ for renewal for licensure as a clinical professional counselor, not more than \$175;
  - (9) ~~(8)~~ for late renewal penalty, an amount equal to the fee for renewal of a license; and
  - (10) ~~for exchange of a license in lieu of registration pursuant to subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed \$150~~
  - (9) for reinstatement of a license, not more than \$175;
  - (10) for replacement of a license, not more than \$20; and
  - (11) for a wallet card license, not more than \$5.
- (b) Fees paid to the board are not refundable.

Sec. 38. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as follows: 65-5809. (a) The board may refuse to issue, ~~suspend, limit, refuse to renew, condition or revoke any license granted under the professional counselors licensure act for any of the following reasons:~~

(a) ~~Use of drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

(b) ~~the individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust;~~

(c) ~~use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of the professional counselors licensure act or in obtaining permission to take any examination given or required pursuant to the provisions of the professional counselors licensure act;~~

(d) ~~obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;~~

(e) ~~incompetence, misconduct, fraud, misrepresentation or dishonesty in the~~

~~performance of the functions or duties of a professional counselor or clinical professional counselor;~~

~~(f) violation of, or assisting or enabling any individual to violate, any provision of the professional counselors licensure act or any rule and regulation adopted under such act;~~

~~(g) impersonation of any individual holding a license or allowing any individual to use a license or diploma from any school of a person licensed under the professional counselors licensure act or a diploma from any school of an applicant for licensure under the professional counselors licensure act;~~

~~(h) revocation or suspension of a license or other authorization to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized by the professional counselors licensure act;~~

~~(i) the individual is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

~~(j) assisting or enabling any person to hold oneself out to the public or offer to hold oneself out to the public as a licensed professional counselor or a licensed clinical professional counselor who is not licensed under the provisions of the professional counselors licensure act;~~

~~(k) the issuance of the license was based upon a material mistake of fact;~~

~~(l) violation of any professional trust or confidence;~~

~~(m) use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;~~

~~(n) unprofessional conduct as defined by rules and regulations adopted by the board; or~~

~~(o) the licensee renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:~~

~~(1) Is incompetent to practice professional counseling, which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice professional counseling;~~

~~(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

(5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a registration, license or certificate as a professional counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory 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.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the professional counselors licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional counselors licensure act shall be in accordance with the Kansas judicial review act.

New Sec. 39. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for a board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical professional counselor and has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date; or

(B) is a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy and has practiced at least two years of clinical practice beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-5806, and amendments thereto, at least

three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 40. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) Except as provided in subsections (b) and (c), an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:

(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Licensure to practice social work at the clinical level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and

(C) a ~~masters~~ master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.

(c) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:

(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.

(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

(f) ~~Such persons shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board.~~

(g)—Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

~~(h)~~ (g) No person may work under a temporary license except under the supervision of a licensed social worker.

~~(i)~~ (h) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

~~(j)~~ (i) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

~~(k) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.~~

Sec. 41. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as follows: 65-6311. (a) ~~The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:~~

~~(1) Has been convicted of a felony and, after investigation, the board finds that the licensee has not been sufficiently rehabilitated to merit the public trust;~~

~~(2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing needed qualifications under this act;~~

~~(3) has knowingly aided or abetted a person, not a licensed social worker, in representing such person as a licensed social worker in this state;~~

~~(4) has been found guilty of unprofessional conduct as defined by rules established by the board;~~

~~(5) has been found to have engaged in diagnosis as authorized under K.S.A. 65-6319, and amendments thereto, even though not authorized to engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

~~(6) has been found guilty of negligence or wrongful actions in the performance of duties; or~~

~~(7) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

~~(1) Is incompetent to practice social work, which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice social work;~~

~~(2) has been convicted of a felony offense and has not demonstrated to the board's~~

satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a license, registration or certificate to practice social work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper licensing regulatory 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.

(b) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act. For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

Sec. 42. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as follows: 65-6313. (a) All licenses issued shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b)(1) Except as otherwise provided in K.S.A. 65-6311, and amendments thereto, a license may be renewed by the payment of the renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the execution and submission of a signed statement, on a form to be provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that applicant has met the requirements for continuing education established by the board including not less than three continuing education hours of professional ethics.

(2) An applicant for renewal of a license as a master social worker or a specialist clinical social worker, as part of such continuing education, shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders.

~~(3) On and after January 1, 2011,~~ An applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant for first time licensure renewal has already taken such training, as part of a previous level of social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety training.

(c) The application for renewal shall be made on or before the date of the expiration of the license or on or before the date of the termination of the period of suspension.

(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee established under K.S.A. 65-6314, and amendments thereto, plus a penalty equal to the renewal fee, and proof satisfactory to the board of the completion of 40 hours of continuing education within two years prior to application for reinstatement. Upon receipt of such payment and proof, the board shall reinstate the license. A license shall be reinstated under this subsection, upon receipt of such payment and proof, at any time after the expiration of such license.

(e) In case of a lost or destroyed license, and upon satisfactory proof of the loss or destruction thereof, the board may issue a duplicate license and shall charge a fee as set forth in K.S.A. 65-6314, and amendments thereto, for such duplicate license.

(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 43. K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) The following fees ~~shall may~~ be established by the board ~~by rules and regulations~~ in accordance with the following limitations, and any such fees shall be established by rules and regulations adopted by the board:

(1) Renewal or reinstatement fee for a license as a social work associate shall be not more than \$150.

(2) Application, new license, reinstatement or renewal fee for a license as a baccalaureate social worker shall be not more than \$150.

(3) Application, new license, reinstatement or renewal fee for a license as master social worker shall be not more than \$150.

(4) Application, new license, reinstatement or renewal fee for a license in a social work specialty shall be not more than \$150.

~~(5) Examination fee for a license as a baccalaureate social worker, for a license as a master social worker or for a license in a social work specialty shall be not more than \$200. If an applicant fails an examination, such applicant may be admitted to subsequent examinations upon payment of an additional fee prescribed by the board of not more than \$200.~~

~~(6) Replacement fee for reissuance of a license certificate due to loss or name change shall be not more than \$20.~~

(6) Replacement fee for reissuance of a wallet card shall be not more than \$5.

(7) Temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.

(8) Application fee for approval as board-approved continuing education sponsors shall be as follows:

(A) Initial application fee for one year provisionally approved providers shall be not more than \$125;

(B) three-year renewal fees for approved providers shall be not more than \$350; and

(C) application fees for single program providers shall be not more than \$50 for each separately offered continuing education activity for which prior approval is sought.

(b) Fees paid to the board are not refundable.

New Sec. 44. K.S.A. 65-6301 through 65-6320, and this section, and amendments thereto, shall be known and may be cited as the social workers licensure act.

Sec. 45. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) ~~Paying an application fee of no more than \$150, as established by the board under K.S.A. 65-6411, and amendments thereto; and~~

(2) ~~meeting the application requirements as stated in subsections (a)(1), (2) and (4) of K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

(3) ~~A temporary licensee shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the license examination within six months subsequent to the date of issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first six months.~~

(4) ~~No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.~~

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 46. K.S.A. 2015 Supp. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice marriage and family therapy ~~during the five years~~ for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a ~~masters~~ master's degree in marriage and family therapy from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2) of subsection (a)~~ (1) or (2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 47. K.S.A. 65-6407 is hereby amended to read as follows: 65-6407. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6411, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, the applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the

period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 48. K.S.A. 65-6408 is hereby amended to read as follows: 65-6408. The board may refuse to ~~grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure of any individual who the board, after a hearing, determines issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

(1) ~~Is incompetent to practice marriage and family therapy, or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public which means:~~

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice marriage and family therapy;

~~(2) is has been convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) (5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board;~~

~~(4) (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(5) (7) has knowingly made a false statement on a form required by the board for license or license renewal;~~

~~(6) (8) has failed to obtain continuing education credits required by rules and regulations of the board;~~

~~(7) (9) has been found guilty of to have engaged in unprofessional conduct as defined by applicable rules and regulations established adopted by the board; or~~

~~(8) (10) has had a registration, license or certificate as a marriage and family therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence~~

thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

Sec. 49. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board ~~shall may fix by rules and regulations and shall collect~~ the following fees, ~~and any such fees shall be established by rules and regulations adopted by the board:~~

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3) for examination, not to exceed \$275;~~

~~(4) for renewal of a license for licensure as a marriage and family therapist~~, not to exceed \$175;

~~(5) (4) for application for licensure as a clinical marriage and family therapist~~, not to exceed \$175;

(5) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

(6) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

(7) for reinstatement of a license, not to exceed \$175;

(8) for replacement of a license, not to exceed \$20; ~~and~~

(9) for ~~late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made~~ renewal penalty, an amount equal to the renewal of license; and

(10) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

New Sec. 50. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-6411, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical marriage and family therapist and has practiced as a clinical marriage and family therapist for two years beyond the supervisor's licensure date; or

(B) be a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders and shall have at least two years of professional experience in the independent practice of clinical marriage and family therapy beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-6407, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 51. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and amendments thereto, shall be known and may be cited as the ~~addictions~~ addiction counselor licensure act.

Sec. 52. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as follows: 65-6608. As used in the ~~addictions~~ addiction counselor licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(b) "Addiction counseling" means the utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders.

(c) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt ~~for~~ from licensure under ~~subsection (m)~~ of K.S.A. 59-29b46(n), and amendments thereto.

(d) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

Sec. 53. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor ~~or~~, a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the ~~addictions~~ addiction counselor licensure act.

(b) On and after September 1, 2016, no person shall engage in the practice of addiction counseling or represent that such person is a licensed master's addiction counselor, master's addiction counselor, master's substance abuse counselor or master's alcohol and drug counselor without having first obtained a license as a master's addiction counselor under the addiction counselor licensure act.

(c) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor ~~or is~~, a clinical addiction counselor ~~or~~, a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor licensure act.

~~(e)~~ (d) Violation of this section is a class B misdemeanor.

Sec. 54. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21; ~~and~~  
 (2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed at least a baccalaureate degree from a college or university approved by the board ~~in a related field that includes. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete~~ a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(C) ~~has completed at least a baccalaureate degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board, and such degree program and the additional coursework includes a minimum number of semester hours of coursework on substance use disorders as approved by the board; or~~

(D) ~~is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or and~~

(E) ~~is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed masters level psychologist; and~~

(3) has passed an examination approved by the board; ~~and~~  
 (4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) ~~each applicant~~ has paid the application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish

evidence satisfactory to the board that the applicant:

- (1) (A) Has attained the age of 21;  
 (B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;  
 (ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or  
 (iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and  
 (C) has passed an examination approved by the board;  
 (D) has satisfied the board that the applicant is a person who merits the public trust;  
and  
 (E) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; or

- (2) (A) has met the following requirements on or before July 1, 2016:  
 (i) Holds an active license by the board as an addiction counselor; and  
 (ii) has completed at least a master's degree in a related field from a college or university approved by the board; and  
 (B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

- (1) Has attained the age of 21; and  
 (2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and  
 (ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(B) (i) has completed at least a master's degree from a college or university approved by the board ~~in a related field that includes~~. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) ~~has completed a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and~~

~~(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or~~

~~(D) (i) has completed a master's degree in a related field from a college or~~

university approved by the board and is licensed by the board as a licensed master's addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(E) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

~~(e)~~ (d) Prior to July 1, 2017, a person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the Kansas department for aging and disability services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

~~(4)~~ (e) Prior to July 1, 2017, any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the

department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(e)~~ (f) Prior to July 1, 2017, any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(f) A licensed addiction counselor shall engage in the practice of addiction counseling only in a state licensed or certified alcohol and other drug treatment program, unless otherwise exempt from licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

Sec. 55. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015 Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b) (2) and (b)(4), and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license

issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

~~(e)~~ (d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.

~~(d)~~ (e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

~~(e)~~ (f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 56. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as follows: 65-6612. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of addiction counseling at the clinical level in another jurisdiction and who is in good standing in that other jurisdiction may engage in the independent practice of clinical addiction counseling as provided by the ~~addiction~~ addiction counselor licensure act, in this state for not more than 15 days per year upon receipt of a temporary permit to practice issued by the board.

(b) Any clinical addiction counseling services rendered within any 24-hour period shall count as one entire day of clinical addiction counseling services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire December 31 of that year. Upon written application and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days.

(d) The board shall charge a fee for a temporary permit to practice and a fee for an extension of a temporary permit to practice as fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(e) A person who holds a temporary permit to practice clinical addiction counseling in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical addiction counseling in this state.

(f) In accordance with the Kansas administrative procedure act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical addiction counseling in this state without complying with the provisions of this section.

Sec. 57. K.S.A. 2015 Supp. 65-6613 is hereby amended to read as follows: 65-

6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice as an addiction ~~counseling during the five years~~ counselor for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate ~~or master's degree in addiction counseling~~ from a college or university approved by the board ~~or completion of a baccalaureate or master's degree in a related field that includes all required addiction coursework.~~

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice ~~clinical~~ addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice ~~clinical~~ addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; ~~or and~~

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice ~~clinical~~ addiction counseling ~~during the five years at the clinical level for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; ~~and~~

(C) ~~(i)~~ completion of at least a master's degree ~~in clinical addiction counseling~~ from a college or university approved by the board; ~~or~~

~~(ii)~~ completion of at least a master's degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; ~~or~~

~~(iii)~~ completion of at least a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board; ~~or~~

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders.

~~(e)~~ (d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto, if required by the board.

Sec. 58. K.S.A. 2015 Supp. 65-6614 is hereby amended to read as follows: 65-6614. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three hours in ethics. In addition, as part of such continuing education, the master's addiction counselor applicant and the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. ~~Both the clinical addiction counselor applicant and the addiction counselor applicant shall complete not less than three continuing education hours of~~

professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 59. K.S.A. 2015 Supp. 65-6615 is hereby amended to read as follows: 65-6615. ~~(a) The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:~~

~~(a) issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

~~(1) Is incompetent to practice addiction counseling, or is found to engage in the practice of addiction counseling in a manner harmful or dangerous to a client or to the public which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice addiction counseling;~~

~~(b) (2) is has been convicted by a court of competent jurisdiction of a felony, misdemeanor crimes against persons or substantiation of abuse against a child, adult or resident of a care facility, even if not practice related offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(e) (5) has violated a provision of the addictions addiction counselor licensure act or one or more of the rules and regulations of the board;~~

~~(f) (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(g) (7) has knowingly made a false statement on a form required by the board for license or license renewal;~~

~~(h) (8) has failed to obtain continuing education credits required by rules and regulations of the board;~~

~~(i) (9) has been found guilty of to have engaged in unprofessional conduct as defined by applicable rules and regulations established adopted by the board; or~~

(h) (10) has had a registration, license or certificate as an addiction counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the addiction counselor licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the addiction counselor licensure act shall be in accordance with the Kansas judicial review act.

Sec. 60. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as follows: 65-6616. Nothing in the ~~addictions~~ addiction counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master's level psychology or social work or other professions licensed by the behavioral sciences regulatory board;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master's level psychologists, marriage and family therapists, professional counselors, or other professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

Sec. 61. K.S.A. 2015 Supp. 65-6617 is hereby amended to read as follows: 65-6617. (a) A person licensed under the ~~addictions~~ addiction counselor licensure act and employees and professional associates of the person shall not be required to disclose any information that the person, employee or associate may have acquired in rendering addiction counseling services, unless:

- (1) Disclosure is required by other state laws;
- (2) failure to disclose the information presents a clear and present danger to the health or safety of an individual;
- (3) the person, employee or associate is a party defendant to a civil, criminal or

disciplinary action arising from the therapy, in which case a waiver of the privilege accorded by this section is limited to that action;

(4) the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that person's behalf; or

(5) a client agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such family member agrees to the waiver. Absent a waiver from each family member, an addiction counselor shall not disclose information received from a family member.

(b) Nothing in this section or in this act shall be construed to prohibit any person licensed under the ~~addictions~~ addiction counselor licensure act from testifying in court hearings concerning matters of adult abuse, adoption, child abuse, child neglect or other matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors, or both, on behalf of a client. There is no privilege under this section for information which is required to be reported to a public official.

Sec. 62. K.S.A. 2015 Supp. 65-6618 is hereby amended to read as follows: 65-6618. (a) The board ~~shall may fix by rules and regulations and shall collect~~ the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as an addiction counselor, not to exceed \$150;  
 (2) for original licensure as an addiction counselor, not to exceed \$150;  
 (3) for renewal ~~of a license for licensure~~ as an addiction counselor, not to exceed \$150;

(4) for a temporary license ~~as an addiction counselor~~, not to exceed \$100;  
 (5) for application for licensure as a master's addiction counselor, not to exceed \$150;

(6) for original licensure as a master's addiction counselor, not to exceed \$150;  
(7) for renewal for licensure as a master's addiction counselor, not to exceed \$150;  
 (8) for application for licensure as a clinical addiction counselor, not to exceed \$150;

~~(6)~~ (9) for original licensure as a clinical addiction counselor, not to exceed \$150;  
~~(7)~~ (10) for renewal for licensure as a clinical addiction counselor, not to exceed \$150;

~~(8)~~ (11) for a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(9)~~ (12) for extension of a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(10)~~ (13) for reinstatement of a license, not to exceed \$150;  
~~(11)~~ (14) for replacement of a license, not to exceed \$20; ~~and~~  
~~(12)~~ (15) for late renewal penalty, an amount equal to the fee for renewal; ~~and~~  
(16) for a wallet license, not more than \$5.

(b) The board shall require that fees paid for any examination under the ~~addictions~~ addiction counselor licensure act be paid directly to the examination services by the person taking the examination.

(c) Fees paid to the board are not refundable.

Sec. 63. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as follows: 65-

6620. A licensee under the ~~addictions~~ addiction counselor licensure act, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensee's training and the title or titles and license or licenses of such licensee. As a part of such obligation, such licensee shall disclose whether such licensee has a baccalaureate, master's degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine degree or some other doctoral degree. If such licensee does not have a medical doctor's degree, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins, and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client's record.

Sec. 64. K.S.A. 2015 Supp. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays an application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, an original license fee not in excess of \$150, which shall not be refunded, who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item (3) of subsection (a)(3)~~. The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3) of subsection (a)(3)~~ and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 65. K.S.A. 74-5311 is hereby amended to read as follows: 74-5311. ~~Examinations for applicants under this act shall be held by the board from time to time but not less than once each year.~~ The board shall adopt rules and regulations governing the subject, scope; and form of the examinations for applicants under this act or shall contract with a national testing service to provide an examination approved by the board. ~~The board shall prescribe an initial examination fee not to exceed \$350. If an applicant fails the first examination, such applicant may be admitted to any subsequent~~

~~examination upon payment of an additional fee prescribed by the board not to exceed \$350. The examination fees prescribed by the board under this section shall be fixed by rules and regulations of the board.~~

Sec. 66. K.S.A. 2015 Supp. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure as a psychologist at the doctoral level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 67. K.S.A. 2015 Supp. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, who must wait for completion of the next examination, who have paid the required application, examination and temporary license fees and who have submitted documentation as required by the board, under the following:

~~(1) The temporary license shall expire upon receipt and recording of the temporary licensee's second examination score by the board if such temporary licensee fails the examination after two attempts or upon the date the board issues or denies the temporary licensee a license to practice psychology if such temporary licensee passes the examination;~~

~~(2)~~ Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board;

~~(3)~~ (2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

~~(4)~~ (3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

~~(5)~~ (4) the fee for such temporary license ~~shall may~~ be fixed ~~by rules and~~

regulations adopted by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to ~~subsection (a)(4)~~ of K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period after expiration;

(3) temporary licensees shall take the license examination pursuant to ~~subsection (a)(4)~~ of K.S.A. 74-5310(a)(4), and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in ~~subsection (a)(4)~~ of K.S.A. 74-5310(a)(4), and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license ~~shall may~~ be fixed ~~by rules and regulations adopted by the board~~ and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP" independently. The word "licensed" may be used only when preceded by the word "temporary" such as temporary licensed psychologist, or the initials "TLP."

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (b) or (c) ~~of this section~~.

Sec. 68. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. ~~On or before the first day of April of alternate years, the board shall mail to every psychologist licensed in Kansas an application blank for renewal, which shall contain space for insertion of information as required for the application blank under K.S.A. 74-5317 and amendments thereto, addressing the same to the post office address given at the last previous renewal. In addition, The (a) An~~ application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the

previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(b) A licensee shall submit the application to the board with a renewal fee fixed by rules and regulations of the board not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal license for the period commencing on the date on which the license is issued and expiring on June 30 of the next even-numbered year. Initial licenses shall be for the current biennium of registration.

(c) Applications for renewal of a license shall be made biennially on or before July 1 and, if not so made, an additional fee equal to the renewal fee shall be added to the regular renewal fee.

(d) Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after July 1 shall be in violation of the licensure of psychologists act of the state of Kansas. The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.

(e) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 69. K.S.A. 2015 Supp. 74-5324 is hereby amended to read as follows: 74-

5324. (a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any psychologist upon proof that the psychologist: (a) Has been convicted of a felony involving moral turpitude; or (b) has been guilty of fraud or deceit in connection with services rendered as a psychologist or in establishing qualifications under this act; or (c) has aided or abetted a person, not a licensed psychologist, in representing such person as a psychologist in this state; or (d) has been guilty of unprofessional conduct as defined by rules and regulations established by the board; or (e) has been guilty of negligence or wrongful actions in the performance of duties; or (f) has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement or (g) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for a license:

(1) Is incompetent to practice psychology, which means:

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice psychology;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another

country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of psychologists act of the state of Kansas or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a registration, license or certificate as a psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the licensure of psychologists act of the state of Kansas shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the licensure of psychologists of the state of Kansas act shall be in accordance with the Kansas judicial review act.

Sec. 70. K.S.A. 74-5361 is hereby amended to read as follows: 74-5361. As used in this act:

(a) "Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.

(b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

(c) "~~Licensed-masters~~ master's level psychologist" means a person licensed by the board under the provisions of this act.

(d) "Licensed clinical psychotherapist" means a person licensed by the board under this act who engages in the independent practice of ~~masters~~ master's level psychology including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(e) "~~Masters~~ Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

Sec. 71. K.S.A. 74-5362 is hereby amended to read as follows: 74-5362. (a) Any person who is licensed under the provisions of this act as a licensed ~~masters~~ master's level psychologist shall have the right to practice psychology ~~only insofar as such practice is part of the duties of such person's paid position and is performed solely on behalf of the employer;~~ so long as such practice is under the direction of a licensed

clinical psychotherapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, ~~a licensed masters level psychologist licensee under the licensure of master's level psychologists act~~ shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed ~~masters~~ master's level psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(b) A licensed ~~masters~~ master's level psychologist may use the title licensed ~~masters~~ master's level psychologist and the abbreviation LMLP but may not use the title licensed psychologist or psychologist. A licensed clinical psychotherapist may use the title licensed clinical psychotherapist and the abbreviation LCP but may not use the title licensed psychologist or psychologist.

Sec. 72. K.S.A. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall license as a licensed ~~masters~~ master's level psychologist any applicant for licensure who pays the fee prescribed by the board under K.S.A. 74-5365, and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection ~~(b)~~. An applicant for licensure also shall submit evidence ~~verified under oath and~~ satisfactory to the board that such applicant:

- (1) Is at least 21 years of age;
- (2) has satisfied the board that the applicant is a person who merits public trust;
- (3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories,

developmental psychology, research methods, social psychology;

(4) has completed 750 clock hours of academically supervised practicum in the master's degree program or 1,500 clock hours of postgraduate supervised work experience;

(5) has passed an examination approved by the board with a minimum score set by the board by rules and regulations ~~at 10 percentage points below the score set by the board for licensed psychologists.~~

(c) (1) Applications for licensure as a clinical psychotherapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed ~~masters~~ master's level psychologist or meets all requirements for licensure as a ~~masters~~ master's level psychologist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study ~~of the following content areas:~~ Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B) and (C) ~~of this subsection,~~ has completed the education requirements for licensure as a licensed ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary ~~permit~~ license to practice as a licensed ~~masters~~ master's level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under ~~parts subparagraphs~~ (B), (C) and (D) ~~of this subsection,~~ has completed the education and training requirements for licensure as a ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board with the same minimum passing score as that set by the board for licensed psychologists; and

(H) has paid the application fee, if required by the board.

(2) A person who was licensed or registered as a ~~masters~~ master's level psychologist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of ~~masters~~ master's level psychology as a registered or licensed ~~masters~~ master's level psychologist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical psychotherapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

- (A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;
- (B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or
- (C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical psychotherapist may engage in the independent practice of ~~masters~~ master's level psychology and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical psychotherapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical psychotherapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item (3)~~ of subsection (b)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 73. K.S.A. 74-5365 is hereby amended to read as follows: 74-5365. (a) The application, issuance of a new license and renewal fee for licensure under this act shall following fees may be fixed by the board by rules and regulations in an amount not to exceed \$200; for licensure under the licensure of master's level psychologists act: For application, issuance of a new license and renewal of a license, an amount not to exceed \$200; for replacement of a license, an amount not to exceed \$20; and for a wallet card license, an amount not to exceed \$5. Any such fees required by the board shall be

established by rules and regulations adopted by the board.

(b) Fees paid to the board are not refundable.

(c) The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed ~~masters~~ master's level psychologist and a licensed clinical psychotherapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 74. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary license to practice as a licensed ~~masters~~ master's level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed ~~masters~~ master's level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.

(b) ~~(1)~~ Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice ~~masters~~ master's level psychology or 24 months after the date of issuance of the temporary license. No temporary license issued by the board will be renewed or issued again on any subsequent applications for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

~~(2) A temporary licensee shall take the examination within the first 12 months subsequent to the issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the examination within the first 12 months subsequent to the issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first 12 months.~~

(c) The board ~~shall may~~ fix by rules and regulations a fee for the application of the temporary license. The application fee shall not exceed \$100. Any such fee shall be established by rules and regulations adopted by the board.

(d) A person practicing ~~masters~~ master's level psychology with a temporary license may not use the title "licensed ~~masters~~ master's level psychologist" or the initials "LMLP" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed ~~masters~~ master's level psychologist by temporary license, or ~~masters~~ master's level psychologist licensed by temporary license.

(e) No person may work under a temporary license except under the supervision of a person licensed to practice psychology or ~~masters~~ master's level psychology in Kansas.

(f) The application for a temporary license may be denied or a temporary license which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369, and amendments thereto.

(g) Nothing in this section shall affect any temporary license to practice issued

under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 75. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, may be denied or a license granted under this act may be suspended, limited, revoked, have a condition placed on it or not renewed by the board upon proof that the applicant or licensee:~~

- ~~(a) Has been convicted of a felony involving moral turpitude;~~
- ~~(b) has been found guilty of fraud or deceit in connection with the rendering of professional services or in establishing such person's qualifications under this act;~~
- ~~(c) has aided or abetted a person not licensed as a psychologist, licensed under this act or an uncertified assistant, to hold oneself out as a psychologist in this state;~~
- ~~(d) has been guilty of unprofessional conduct as defined by rules and regulations of the board;~~
- ~~(e) has been guilty of neglect or wrongful duties in the performance of duties; or~~

~~(f) (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:~~

- ~~(1) Is incompetent to practice psychology, which means:~~
  - ~~(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;~~
  - ~~(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or~~
  - ~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice master's level psychology;~~
- ~~(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~
- ~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~
- ~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~
- ~~(5) has violated a provision of the licensure of master's level psychologists act or one or more rules and regulations of the board;~~
- ~~(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~
- ~~(7) has knowingly made a false statement on a form required by the board for a license or license renewal;~~
- ~~(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;~~

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the board; or

(10) has had a registration, license or certificate as a ~~masters~~ master's level psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, and disciplinary actions regarding licensure under the licensure of master's level psychologists act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, the licensure of master's level psychologists act shall be in accordance with the Kansas judicial review act.

Sec. 76. K.S.A. 74-5370 is hereby amended to read as follows: 74-5370. The board may adopt rules and regulations to administer the provisions of ~~K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto~~ the licensure of master's level psychologists act.

Sec. 77. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the ~~masters~~ master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the ~~masters~~ master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice psychology at the ~~masters~~ master's level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a ~~masters~~ master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2)~~ of subsection (a) (1) or (2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 78. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5375, 74-5374~~ and K.S.A. 2015 Supp. 74-5375, and amendments thereto, shall be known and may be cited as the licensure of ~~masters-~~ master's level psychologists act.

Sec. 79. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or ~~the~~ addictions addiction counselor licensure act;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, are licensed under the licensure of psychologists act of the state of Kansas, ~~are licensed under the professional counselors licensure act, are licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, are licensed under the marriage and family therapists licensure act or ~~are licensed under the~~ addictions addiction counselor licensure act;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or ~~the~~ addictions addiction counselor licensure act;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or the ~~addictions~~ addiction counselor licensure act;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, ~~licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,~~

~~inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, licensed under the marriage and family therapists licensure act or licensed under the addictions addiction counselor licensure act;~~

(7) ~~adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, licensed under the marriage and family therapists licensure act or licensed under the addictions addiction counselor licensure act;~~

(8) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, ~~for licensure under the professional counselors licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, for licensure under the marriage and family therapists licensure act, for licensure under the addictions addiction counselor licensure act and for issuance of such certificates and such licenses;~~

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act and the addictions addiction counselor licensure act and to carry out the purposes thereof;~~

(11) appoint an executive director and other employees as provided in K.S.A. 74-7501, and amendments thereto; and

(12) exercise such other powers and perform such other functions and duties as may be prescribed by law.

(b) ~~The behavioral sciences regulatory board, in addition to any other penalty, may assess an administrative penalty, after notice and an opportunity to be heard, against a licensee or registrant for a violation of any of the provisions of the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the addictions counselor licensure act in an amount not to exceed \$1,000. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~

~~amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.~~

~~(e)—~~If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the actual costs shall be charged to such person as in ordinary civil actions in the district court ~~in an amount not to exceed \$200~~. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.

Sec. 80. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as follows: 74-7508. (a) In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the behavioral sciences regulatory board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the behavioral sciences, or other public or private agency if such document, report, record or other physical evidence relates to practices which may be grounds for disciplinary action.

(b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices which may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized agent to produce documents, reports, records or other physical evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid license a profession regulated by the board for which the practitioners of the profession are required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the licensure of psychologists act, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act, or any valid rule or regulation of the board, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

(c) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the behavioral sciences regulatory board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be redisclosed by the receiving agency except as otherwise authorized by law.

(d) Nothing in this section or any other provision of law making communications between a practitioner of one of the behavioral sciences and the practitioner's client or patient a privileged or confidential communication shall apply to investigations or proceedings conducted pursuant to this section. The behavioral sciences regulatory board and its employees, agents and representatives shall keep in confidence the content and the names of any clients or patients whose records are reviewed during the course of investigations and proceedings pursuant to this section.

(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) In all matters pending before the behavioral sciences regulatory board, the board

shall have the option to censure the licensee or registrant in lieu of other disciplinary action.

Sec. 81. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

~~(e)~~(h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to ~~subsection (b) or (e)~~ of K.S.A. 59-29b54 ~~(b) or (c)~~, and amendments thereto.

~~(f)~~ (i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection ~~(k)~~ (m); or

(2) uses alcoholic beverages or any substance ~~as defined in subsection (k)~~ to the extent that the person's health may be substantially impaired or endangered without treatment.

~~(g)~~ (j) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, ~~as defined in subsection (f)~~; who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance ~~as defined in subsection (k)~~, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

~~(h)~~ (k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

~~(i)~~ (l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

~~(j)~~ "State certified alcohol and drug abuse counselor" means a person approved by the secretary for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.

~~(k)~~ (m) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

~~(l)~~ (n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

~~(m)~~ (o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a

person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

~~(n)~~ (p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 82. K.S.A. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at Osawatomie state hospital or at Larned state hospital may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application shall state:

(1) The name and address of the person sought to be admitted, if known;  
 (2) the name and address of the person's spouse or nearest relative, if known;  
 (3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and

(5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency

observation and treatment upon the written application of any individual. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
  - (2) the name and address of the person's spouse or nearest relative, if known;
  - (3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;
  - (4) the factual circumstances in support of that belief;
  - (5) any pending criminal charges, if known;
  - (6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and
  - (7) the application shall also be accompanied by a statement in writing of a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.
- (d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 83. K.S.A. 59-29b61 is hereby amended to read as follows: 59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of K.S.A. 59-29b60(a)(5), and amendments thereto, shall be served in the manner provided for in subsections (c) and (d) of K.S.A. 59-29b63(c) and (d), and amendments thereto.~~ It shall order the proposed patient to submit to an evaluation to be conducted by a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor and to undergo such other medical examinations or evaluations as may be designated by the court in the order, except that any proposed patient who is not subject to a temporary custody order issued pursuant to K.S.A. 59-29b59, and amendments thereto, and who requests a hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not submit to such evaluations or examinations until that hearing has been held and the court finds that there is probable cause to believe that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act. The evaluation may be conducted at a treatment facility, the home of the proposed patient or any other suitable place that the court determines is not likely to have a harmful effect on the welfare of the proposed patient.

(b) At the time designated by the court in the order, but in no event later than three days prior to the date of the trial provided for in K.S.A. 59-29b65, and amendments thereto, the examiner shall submit to the court a report, in writing, of the evaluation which report also shall be made available to counsel for the parties at least three days prior to the trial. The report also shall be made available to the proposed patient and to whomever the patient directs, unless for good cause recited in the order, the court orders otherwise. Such report shall state that the examiner has made an examination of the proposed patient and shall state the opinion of the examiner on the issue of whether or not the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and the examiner's opinion as to the least restrictive treatment alternative which will protect the proposed

patient and others and allow for the improvement of the proposed patient if treatment is ordered.

Sec. 84. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file, a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949;~~(b)(3) or ~~subsection (b)(3) of K.S.A. 59-29b49~~(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional, which shows that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946~~(e), ~~subsection (f) of K.S.A. 59-29b46~~(i) or K.S.A. 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the

provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, or that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward, at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d) (1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.  
(4) For good cause shown, an order of advancement of the hearing.  
(5) For good cause shown, an order changing the place of the hearing.  
(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e),~~ ~~subsection (f) of K.S.A. 59-29b46(i)~~ or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b, and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 85. K.S.A. 65-4016 is hereby amended to read as follows: 65-4016. The secretary shall adopt rules and regulations with respect to treatment facilities to be licensed and designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare ~~including, but not limited to, minimum qualifications for employees of licensed or certified programs which are less than the qualifications required for a registered alcohol and other drug abuse counselor.~~ Boards of trustees or directors of institutions licensed under this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel.

Sec. 86. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as follows: 65-4024a. As used in this act:

- (a) "Act" means the alcohol or other drug addiction treatment act.
- (b) "Alcohol or other drug addiction" means a pattern of substance use, leading to significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:
  - (1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;
  - (2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;
  - (3) the substance is often taken in larger amounts or over a longer period than was intended;
  - (4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;
  - (5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;
  - (6) important social, occupational or recreational activities are given up or reduced because of substance use;
  - (7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.
- (c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.
- (d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.
- (e) ~~"Counselor" means an individual whose education, experience and training has been evaluated and approved by the Kansas department for aging and disability services~~

to provide the scope of practice afforded to an alcohol and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.

~~(f)~~—"Department" means the Kansas department for aging and disability services.

~~(g)~~ (f) "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.

~~(h)~~ (g) "Discharge" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(i)~~ (h) "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.

~~(j)~~ (i) "Head of the treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(k)~~ (j) "Incapacitated by alcohol" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(l)~~ (k) "Intoxicated individual" means an individual who is under the influence of alcohol or drugs or both.

~~(m)~~ (l) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(m) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

(n) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(o) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

~~(p)~~ "Patient" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(q)~~ (p) "Private treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(r)~~ (q) "Public treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(s)~~ (r) "Treatment" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(†)(t) "~~Treatment facility~~" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(‡)(u) "Secretary" means the secretary for aging and disability services.

New Sec. 87. This act shall be known and may be cited as the interstate medical licensure compact.

## INTERSTATE MEDICAL LICENSURE COMPACT

### SECTION 1

#### PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

### SECTION 2

#### DEFINITIONS

In this compact:

(a) "Bylaws" means those bylaws established by the interstate commission pursuant to section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(e) "Interstate commission" means the interstate commission created pursuant to section 11.

(f) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(g) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(h) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government.

- (i) "Member state" means a state that has enacted the compact.
- (j) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.
- (k) "Physician" means any person who:
  - (1) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the international medical education directory or its equivalent;
  - (2) passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
  - (3) successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;
  - (4) holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;
  - (5) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
  - (6) has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
  - (7) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;
  - (8) has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and
  - (9) is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.
- (l) "Offense" means a felony, gross misdemeanor or crime of moral turpitude.
- (m) "Rule" means a written statement by the interstate commission promulgated pursuant to section 12 of the compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.
- (n) "State" means any state, commonwealth, district or territory of the United States.
- (o) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

### SECTION 3 ELIGIBILITY

- (a) A physician must meet the eligibility requirements as defined in section 2(k) to receive an expedited license under the terms and provisions of the compact.

(b) A physician who does not meet the requirements of section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

#### SECTION 4 DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

- (1) The state of primary residence for the physician;
- (2) the state where at least 25% of the practice of medicine occurs;
- (3) the location of the physician's employer; or
- (4) if no state qualifies under subsection (a)(1), subsection (a)(2) or subsection (a)(3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in subsection (a).

(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

#### SECTION 5 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

#### SECTION 6 FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

#### SECTION 7 RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician:

- (1) Maintains a full and unrestricted license in a state of principal license;
- (2) has not been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
- (3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and
- (4) has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician's license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

SECTION 8  
COORDINATED INFORMATION SYSTEM

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

(d) Member boards may report any non-public complaint, disciplinary or investigatory information not required by subsection (c) to the interstate commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

SECTION 9  
JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

SECTION 10  
DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct, which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90-day suspension period in a manner consistent with the medical practice act of that state.

SECTION 11  
INTERSTATE MEDICAL LICENSURE  
COMPACT COMMISSION

(a) The member states hereby create the interstate medical licensure compact commission.

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be:

(1) An allopathic or osteopathic physician appointed to a member board;

(2) an executive director, executive secretary or similar executive of a member board; or

(3) a member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

(1) Relate solely to the internal personnel practices and procedures of the interstate commission;

(2) discuss matters specifically exempted from disclosure by federal statute;

(3) discuss trade secrets, commercial or financial information that is privileged or confidential;

(4) involve accusing a person of a crime, or formally censuring a person;

(5) discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) discuss investigative records compiled for law enforcement purposes; or

(7) specifically relate to the participation in a civil action or other legal proceeding.

(i) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

(k) The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.

(l) The interstate commission may establish other committees for governance and administration of the compact.

## SECTION 12 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the duty and power to:

(a) Oversee and maintain the administration of the compact;

(b) promulgate rules which shall be binding to the extent and in the manner provided for in the compact;

(c) issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules and actions;

(d) enforce compliance with compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;

(e) establish and appoint committees including, but not limited to, an executive committee as required by section 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties;

(f) pay, or provide for the payment of the expenses related to the establishment, organization and ongoing activities of the interstate commission;

(g) establish and maintain one or more offices;

(h) borrow, accept, hire or contract for services of personnel;

(i) purchase and maintain insurance and bonds;

(j) employ an executive director who shall have such powers to employ, select or appoint employees, agents or consultants, and to determine their qualifications, define their duties and fix their compensation;

(k) establish personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(l) accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it in a manner consistent with the conflict of interest policies established by the interstate commission;

(m) lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed;

(n) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(o) establish a budget and make expenditures;

(p) adopt a seal and bylaws governing the management and operation of the interstate commission;

(q) report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;

(r) coordinate education, training and public awareness regarding the compact, its implementation and its operation;

(s) maintain records in accordance with the bylaws;

(t) seek and obtain trademarks, copyrights and patents; and

(u) perform such functions as may be necessary or appropriate to achieve the purposes of the compact.

### SECTION 13 FINANCE POWERS

(a) The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member

states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission.

SECTION 14  
ORGANIZATION AND OPERATION OF  
THE INTERSTATE COMMISSION

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within 12 months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in subsection (b) shall serve without remuneration from the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission

employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

#### SECTION 15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the "model state administrative procedure act" of 2010, and subsequent amendments thereto.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

#### SECTION 16 OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law, but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the

compact, which may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact or promulgated rules.

#### SECTION 17 ENFORCEMENT OF INTERSTATE COMPACT

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

#### SECTION 18 DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

(2) provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall

be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state, which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

#### SECTION 19 DISPUTE RESOLUTION

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

#### SECTION 20 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state is eligible to become a member state of the compact.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

(c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.

(d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### SECTION 21 WITHDRAWAL

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

(d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided under subsection (c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

#### SECTION 22 DISSOLUTION

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state, which reduces the membership in the compact to one member state.

(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

#### SECTION 23 SEVERABILITY AND CONSTRUCTION

(a) The provisions of the compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of the compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

#### SECTION 24 BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

New Sec. 88. The provisions of sections 88 through 97, and amendments thereto, shall be known and may be cited as the independent practice of midwifery act.

New Sec. 89. As used in the independent practice of midwifery act:

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

(b) "Certified nurse-midwife" means an individual who:

(1) Is educated in the two disciplines of nursing and midwifery;

(2) is currently certified by a certifying board approved by the state board of nursing; and

(3) is currently licensed under the Kansas nurse practice act.

(c) "Independent practice of midwifery" means the provision of clinical services by a certified nurse-midwife without the requirement of a collaborative practice agreement with a person licensed to practice medicine and surgery when such clinical services are limited to those associated with a normal, uncomplicated pregnancy and delivery, including:

(1) The prescription of drugs and diagnostic tests;

(2) the performance of episiotomy or repair of a minor vaginal laceration;

(3) the initial care of the normal newborn; and

(4) family planning services, including treatment or referral of male partners for sexually-transmitted infections.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 90. (a) In order to obtain authorization to engage in the independent practice of midwifery, a certified nurse-midwife must meet the following requirements:

(1) Be licensed to practice professional nursing under the Kansas nurse practice act;

(2) have successfully completed a course of study in nurse-midwifery in a school of nurse-midwifery approved by the board;

(3) have successfully completed a national certification approved by the board;

(4) have successfully completed a refresher course as defined by rules and regulations of the board, if the individual has not been in active midwifery practice for five years immediately preceding the application;

(5) be authorized to perform the duties of a certified nurse-midwife by the state board of nursing;

(6) be licensed as an advanced practice registered nurse by the state board of nursing; and

(7) have paid all fees for licensure prescribed in section 92, and amendments thereto.

(b) Upon application to the board by any certified nurse-midwife and upon satisfaction of the standards and requirements established under this act, the board shall grant an authorization to the applicant to engage in the independent practice of midwifery.

(c) A person whose licensure has been revoked may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, which application shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 91. (a) Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board, unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration, by mail, addressed to the licensee's last known mailing address. If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, the renewal fee, and the late renewal fee are received by the board within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(c) The board may require any licensee, as a condition of renewal, to submit with the application of renewal evidence of satisfactory completion of a program of continuing education as required by rules and regulations of the board.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 92. (a) The board shall charge and collect, in advance, fees for certified nurse-midwives, as established by the board, not to exceed:

Application for license.....	\$100
License renewal .....	\$100
Late license renewal .....	\$100
License reinstatement fee .....	\$100
Revoked license fee .....	\$100
Certified copy of license .....	\$50
Verified copy of license .....	\$25

(b) The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such amount shall be credited to the state general fund, and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or persons designated by the president.

(c) The provisions of this section shall become effective on January 1, 2017.

New Sec. 93. (a) It shall be unlawful for a person to engage in the independent practice of midwifery without a collaborative practice agreement with a person licensed to practice medicine and surgery, unless such certified nurse-midwife holds a license from the state board of nursing and the board.

(b) The provisions of this section shall become effective on January 1, 2017.

New Sec. 94. (a) The board, in consultation with the state board of nursing, shall adopt rules and regulations pertaining to certified nurse-midwives engaging in the independent practice of midwifery and governing the ordering of tests, diagnostic services and prescribing of drugs and referral or transfer to physicians in the event of complications or emergencies. Such rules and regulations shall not be adopted until the state board of nursing and the board have consulted and concurred on the content of each rule and regulation. Such rules and regulations shall be adopted no later than January 1, 2017.

(b) A certified nurse midwife engaging in the independent practice of midwifery shall be subject to the provisions of the independent practice of midwifery act with respect to the ordering of tests, diagnostic services and prescribing of drugs, and shall not be subject to the provisions of K.S.A. 65-1130, and amendments thereto.

(c) The standards of care for certified nurse-midwives in the ordering of tests, diagnostic services and the prescribing of drugs shall be those standards which protect patients and shall be standards comparable to persons licensed to practice medicine and surgery providing the same services.

(d) The board is hereby authorized to solely adopt those rules and regulations necessary to administer the administrative provisions of this act.

New Sec. 95. (a) The board may deny, revoke, limit or suspend any license or authorization issued to a certified nurse-midwife to engage in the independent practice of midwifery that is issued by the board or applied for under this act, or may publicly censure a licensee or holder of a temporary permit or authorization, if the applicant or licensee is found after a hearing:

(1) To be guilty of fraud or deceit while engaging in the independent practice of midwifery or in procuring or attempting to procure a license to engage in the independent practice of midwifery;

(2) to have been found guilty of a felony or to have been found guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice and engage in the independent practice of midwifery shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) to have committed an act of professional incompetence as defined in subsection (c);

(4) to be unable to practice the healing arts with reasonable skill and safety by reason of impairment due to physical or mental illness or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery or release to any person or entity outside of a board proceeding. The provisions of this paragraph providing confidentiality of records shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022;

(5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;

(7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act;

(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to have been publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country, or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph; or

(9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty to a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, 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. 60-4404, and amendments thereto; or

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state, except the crime of perjury as defined in K.S.A. 2015 Supp. 21-5903, and amendments thereto.

(c) As used in this section, "professional incompetency" means:

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

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to engage in the independent practice of midwifery.

(d) The board, upon request, shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions, as necessary, for the purpose of determining initial and continuing qualifications of licensees and applicants for licensure by the board.

(e) The provisions of this section shall become effective on January 1, 2017.

New Sec. 96. (a) There is hereby established a nurse-midwives council to advise the board in carrying out the provisions of this act. The council shall consist of seven members, all residents of the state of Kansas appointed as follows: Two members shall be licensees of the board, appointed by the board, who are licensed to practice medicine and surgery and whose specialty and customary practice includes obstetrics; one member shall be the president of the board or a board member designated by the president; and four members shall be licensed certified nurse-midwives appointed by the board of nursing.

(b) If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any.

New Sec. 97. (a) Nothing in the independent practice of midwifery act should be construed to authorize a certified nurse-midwife engaging in the independent practice of midwifery under such act to perform, induce or prescribe drugs for an abortion.

(b) The provisions of this section shall become effective on January 1, 2017.

Sec. 98. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130 is hereby amended to read as follows: (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse unless such professional nurse has complied with requirements established by the board and holds a valid license as an advanced practice registered nurse in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced practice registered nurses which:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of

a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this ~~subsection (e)(3)~~ paragraph which is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse, which protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and which authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a licensure as an advanced practice registered nurse; (B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board; (C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced practice registered nurse may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced practice registered nurse shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse exceed the normal and customary practice of the responsible physician. An advanced practice registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse when prescribing drugs.

(e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective

date of this act shall be processed as an application for licensure under this act.

(g) An advanced practice registered nurse certified in the role of certified nurse-midwife and engaging in the independent practice of midwifery under the independent practice of midwifery act with respect to prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

Sec. 99. On and after January 1, 2017, K.S.A. 2015 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) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "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.

(e) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(f) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed.

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

(h) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs 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.

(i) "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.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

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

(l) "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.

(m) "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.

(n) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(o) "Distribute" means to deliver, other than by administering or dispensing, any drug.

(p) "Distributor" means a person who distributes a drug.

(q) "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 person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel."

(r) "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~~ human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of ~~man~~ human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (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.

(s) "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; or (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(t) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(u) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(v) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(w) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(x) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(y) "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.

(z) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

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

(bb) (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.

(cc) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(dd) "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.

(ee) "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 people with intellectual disability.

(ff) "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.

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

(hh) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016, pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.~~

(ii) "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.

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

(kk) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(ll) "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.

(mm) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who has successfully passed equivalency examinations approved by the board.

(nn) "Pharmacy," "drugstore" 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.

(oo) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers, and is controlled by the pharmacy.

(pp) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary 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.

(qq) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(rr) "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.

(ss) "Prescriber" means a practitioner or a mid-level practitioner.

(tt) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

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

(vv) "Prescription-only drug" means any drug whether intended for use by ~~man~~ human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ww) "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.

(xx) "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.

(yy) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(zz) "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.

(aaa) "Secretary" means the executive secretary of the board.

(bbb) "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.

(ccc) "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.

(ddd) "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.

(eee) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

(fff) "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 nonhuman.

(ggg) "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.

(hhh) "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. 100. On and after January 1, 2017, K.S.A. 2015 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or  
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which such individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of ~~man~~ human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3) ~~of this subsection~~. It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a

digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016, pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.~~

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means

of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

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

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.";

Also on page 11, in line 30, after the first "K.S.A." by inserting "59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338, 74-5361, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and"; also in line 30, after "Supp." by inserting "59-29b46, 59-3077."; in line 31, before "and" by inserting ", 65-2872, 65-2901, 65-2913, 65-4024a, 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508";

Also on page 11, following line 31, by inserting:

"Sec. 102. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130, 65-1626 and 65-4101 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 4 and inserting:

"AN ACT concerning healthcare providers; relating to powers, duties and functions thereof; licensure requirements; regulation; acupuncturists; certified nurse-midwives; physical therapists; professions regulated by the behavioral science regulatory board; amending K.S.A. 59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and 75-6120 and K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-1130, 65-1431, 65-1626, 65-2809, 65-2872, 65-2901, 65-2913, 65-4024a, 65-4101, 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508 and 75-6102 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337.";

MICHAEL O'DONNELL

ELAINE BOWERS

*Conferees on part of Senate*

DANIEL HAWKINS

WILLIE DOVE

*Conferees on part of House*

Senator O'Donnell moved the Senate adopt the Conference Committee Report on **HB 2615**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer,

Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on **Federal and State Affairs** introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1790—

A RESOLUTION recognizing cowboys  
as part of a unique culture integral to the state of Kansas.

WHEREAS, Pioneering men and women, recognized as cowboys, helped establish the Kansas frontier; and

WHEREAS, That same cowboy spirit continues to infuse this state with its solid character, sound family values and good common sense; and

WHEREAS, The cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic and patriotism; and

WHEREAS, Thousands of ranchers conduct business in Kansas and contribute to the economic well-being of nearly every county in the state; and

WHEREAS, The cowboy is an American icon – and to recognize the cowboy is to acknowledge the on-going commitment of Kansas to an esteemed and enduring code of conduct; and

WHEREAS, The on-going contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize cowboys as part of a unique culture integral to the state of Kansas.

On emergency motion of Senator Holmes **SR 1790** was adopted by voice vote.

Senators Abrams, Bowers, Haley, Kerschen, Love and Powell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1794—

A RESOLUTION congratulating and commending  
the 2016 Kansas Distinguished Financial Educator Award recipients.

WHEREAS, Seven Kansas high school teachers have been selected as Distinguished Financial Educators for the 2015-2016 school year based on their innovative teaching practices and use of online tools that measure, assess and certify students in the subject of personal finance; and

WHEREAS, These teachers have used innovative strategies to increase the reach of the Kansas Financial Scholars Program; and

WHEREAS, These teachers have proven their dedication to improving the financial literacy of students in their community by consistently using the Kansas Financial Scholars Program, powered by EverFi, which is a resource recommended by the Consumer Personal Finance Protection Bureau for advancing financial education; and

WHEREAS, Financial literacy is recognized as a critical life skill, but is not a required course that students must take in order to graduate in the state of Kansas; and

WHEREAS, EverFi-Financial Literacy is paid for through public-private partnerships between EverFi, community financial institutions, the Office of the Kansas Securities Commissioner and the Office of the State Bank Commissioner. The aforementioned partnerships provide unlimited licenses to districts without cost to the school district; and

WHEREAS, In the 2015-2016 school year, the Kansas Financial Scholars Program was widely adopted across the state by more than 360 teachers in more than 190 school districts; and

WHEREAS, These seven selected teachers have played an integral role in growing the participation rate in their schools for the benefit of the students, the communities and the surrounding regions; and

WHEREAS, The Distinguished Financial Educator Award provides public recognition to secondary school teachers who are furthering excellence in financial education by using best-in-class resources to teach the critical life skill of personal finance; and

WHEREAS, By announcing this award, we want to inform the public that these seven teachers have excelled in growing the financial knowledge base of their students and have done so in a way that measures gains in knowledge and assesses changes in attitudes and behavior: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Rane Case of Wellington High School, Randy Fox of Mulvane High School, David Gieber of Concordia High School, Gay Frazee of Marysville High School, Jane Lehning of Sublette High School, Julie Stegman of Dodge City High School and Patrick Truman of F.L. Schlagle High School for being selected as Distinguished Financial Educators for the 2015-2016 school year; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to each of the 2015-2016 Distinguished Financial Educators.

On emergency motion of Senator Abrams **SR 1794** was adopted by voice vote.

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

SENATE RESOLUTION No. 1795—

A RESOLUTION congratulating and commending Alexis Tibbits  
on receiving a 2016 Gates Millennium Scholarship.

WHEREAS, Alexis Tibbits, from Topeka High School, has been selected as a 2016 Gates Millennium Scholar; and

WHEREAS, The Gates Millennium Scholars Program was established in 1999 to promote academic excellence and to provide opportunities for outstanding minority students with significant financial need to reach their highest potential; and

WHEREAS, This prestigious program selects only 1,000 exceptional students per year nationwide to receive a full scholarship covering the cost of tuition, fees, books and living expenses at a college or university of the student's choice and offers students leadership development, mentoring and academic and social support; and

WHEREAS, To qualify for the program, students must receive endorsements from an educator and a community member, hold a minimum grade point average of 3.3 and demonstrate leadership through community service or extracurricular or other activities; and

WHEREAS, Alexis Tibbits, who is a descendant of Shirley Hodison, a plaintiff in the landmark *Brown v. Board* case on equal access to education, will be the first person in her family to attend college; and

WHEREAS, Alexis Tibbits aspires to become a physician and plans to complement her pre-medical coursework with Spanish studies so she can go on mission trips to developing countries and other places in need of healthcare: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Alexis Tibbits on receiving a 2016 Gates Millennium Scholarship. Alexis has exemplified academic excellence and leadership, and we wish her all the best for continued success in future academic, personal and career challenges and opportunities; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1795** was adopted by voice vote.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of consideration of **HB 2460**.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2460** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH

*Conferees on part of House*

On motion of Senator Smith the Senate adopted the conference committee report on **HB 2460**, and requested a new conference be appointed.

The President appointed Senators Smith, Knox and Pettey as a second Conference Committee on the part of the Senate on **HB 2460**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of consideration of the following bills: **SB 19; H Sub SB 44, SB 321, SB 326, SB 407, SB 408; Sub HB 2151; HB 2463.**

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator King moved the Senate concur in House amendments to **SB 19.**

**SB 19**, AN ACT concerning administrative procedure; relating to the Kansas administrative procedure act; Kansas judicial review act; amending K.S.A. 77-502, 77-545, 77-546, 77-548 and 77-613 and K.S.A. 2015 Supp. 77-519, 77-521 and 77-531 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator King moved the Senate concur in House amendments to **H Sub SB 44.**

**H Sub SB 44**, AN ACT concerning the commercial real estate broker lien act; relating to conditions, recording and notice of lien; amending K.S.A. 58-30a03, 58-30a07 and 58-30a09 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator King moved the Senate concur in House amendments to **SB 321.**

**SB 321**, AN ACT concerning probate; relating to filing of wills; amending K.S.A. 2015 Supp. 59-618a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator King moved the Senate concur in House amendments to **SB 407**.

**SB 407**, AN ACT concerning civil commitment of sexually violent predators; relating to registration under the Kansas offender registration act; involuntary commitment, transitional release, conditional release; amending K.S.A. 2015 Supp. 22-4903, 22-4904 and 22-4905 and repealing the existing sections; and reviving K.S.A. 59-29a18.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

Senator King moved the Senate concur in House amendments to **SB 408**.

**SB 408**, AN ACT concerning abuse, neglect and exploitation of persons; relating to reporting and investigation; duties and powers of attorney general, law enforcement and department of corrections; amending K.S.A. 2015 Supp. 38-2223, 38-2226 and 75-723 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 326 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 13, by striking "licenses" and inserting "licensees";

On page 2, in line 1, by striking "licenses" and inserting "licensees";

On page 3, following line 12, by inserting:

"Sec. 2. K.S.A. 2015 Supp. 41-311 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 2015 Supp. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act which was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license

for another retail establishment;

- (5) a copartnership, unless all of the copartners are qualified to obtain a license;
- (6) a corporation; or
- (7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other

requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

~~(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;~~

~~(3)(2)~~ person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

~~(4)(3)~~ person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

~~(5)(4)~~ copartnership, unless all of the copartners are qualified to obtain a license;

~~(6)(5)~~ corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

~~(7)(6)~~ a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), ~~(f)(2)~~ and K.S.A. 2015 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an

agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 3. From and after January 1, 2017, K.S.A. 2015 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) "Director" means the director of alcoholic beverage control of the department of revenue.

(h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) "Domestic beer" means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

(j) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(k) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(n) "Hard cider" means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and  
 (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe, apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

~~(n)-(o)~~ "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(n)-(p)~~ (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(n)-(q)~~ "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(n)-(r)~~ "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(n)-(s)~~ "Minor" means any person under 21 years of age.

~~(n)-(t)~~ "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(n)-(u)~~ "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshhead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(n)-(v)~~ "Person" means any natural person, corporation, partnership, trust or association.

~~(n)-(w)~~ "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(n)-(x)~~ "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(n)-(y)~~ (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(n)-(z)~~ "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(n)-(aa)~~ "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller

resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(aa)~~(bb) "Secretary" means the secretary of revenue.

~~(bb)~~(cc) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(ee)~~(dd) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(dd)~~(ee) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ee)~~(ff) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(ff)~~(gg) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(gg)~~(hh) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(hh)~~(ii) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 4. From and after January 1, 2017, K.S.A. 2015 Supp. 41-308b, as amended by section 1 of this act, is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such ~~licensees~~ licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

~~(3)~~(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

~~(4)~~(5) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer and hard cider manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking

establishments;

~~(5)~~ (6) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

~~(6)~~ (7) if the premises is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act; and

~~(7)~~ (8) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery ~~licenses~~ licensees with such common ownership.

(b) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic hard cider.

~~(c)~~ (c) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer and hard cider manufactured by the licensee, for the purpose of packaging or storage, or both; ~~and~~

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee; ~~or~~

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

~~(e)~~ (d) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

~~(f)~~ (e) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to

be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

~~(e)~~ (f) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

~~(f)~~ (g) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

~~(g)~~ (h) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.;

Also on page 3, in line 13, by striking "is" and inserting "and 41-311 are"; following line 13, by inserting:

"Sec. 6. From and after January 1, 2017, K.S.A. 2015 Supp. 41-102 and K.S.A. 2015 Supp. 41-308b, as amended by section 1 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; in line 2, after "Supp." by inserting "41-102, "; also in line 2, after "41-308b" by inserting ", 41-308b, as amended by section 1 of this act, and 41-311 "; in line 3, by striking "section" and inserting "sections";

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

JAN PAULS

JAMES ERIC TODD

ANNIE TIETZE

*Conferees on part of House*

RALPH OSTMEYER

JACOB LATURNER

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 326**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2088** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 5, in line 36, after "reflect" by inserting "the average"; in line 38, by striking "calendar year" and inserting "five calendar years";

On page 6, by striking all in lines 22 through 27; following line 27, by inserting:

(C) real property located within added jurisdictional territory;

(D) real property which has changed in use;

(E) expiration of any abatement of property from property tax; or

(F) expiration of a tax increment financing district, rural housing incentive district, neighborhood revitalization area or any other similar property tax rebate or redirection program.";

Also on page 6, in line 29, after "Bond" by inserting ", temporary notes, no fund warrants, state infrastructure loans"; in line 30, after "payments" by inserting ", and payments made to a public building commission and lease payments but only to the extent such payments were obligations that existed prior to July 1, 2016"; in line 37, after "2015" by inserting ", and loss of funds from federal sources after January 1, 2017, where the city or county is contractually obligated to provide a service";

On page 7, in line 7, after "declined" by inserting ": (A)"; in line 13, after "year" by inserting "; or

(B) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals";

On page 7, following line 32, by inserting:

"Sec. 8. K.S.A. 2015 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision;

(b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer;

(c) the election is nonpartisan;

(d) the election is not one at which any candidate is elected, retained or recalled;

(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots, except this restriction shall not apply to mail ballot elections held under section 6, and amendments thereto; and

(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

- (1) Counties;
- (2) cities;
- (3) school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;
- (4) townships;
- (5) benefit districts organized under K.S.A. 31-301, and amendments thereto;
- (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;
- (7) combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;
- (8) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;
- (9) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;
- (10) hospital districts;
- (11) improvement districts organized under K.S.A. 19-2753, and amendments thereto;
- (12) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;
- (13) sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;
- (14) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto;
- (15) transportation development districts created pursuant to K.S.A. 2015 Supp. 12-17,140 et seq., and amendments thereto; or
- (16) any tract of land annexed pursuant to K.S.A. ~~45-524~~ 12-521, and amendments thereto.";

Also on page 7, in line 34, after "Supp." by inserting "25-432,";

And by redesignating sections accordingly;

On page 1, in the title, in line 2, after "Supp." by inserting "25-432,";

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

LES DONOVAN

CARYN TYSON

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

Senator Donovan moved the Senate adopt the Conference Committee Report on **S Sub HB 2088**.

Upon the showing of hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson,

Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Bowers, Holmes, Ostmeyer.

The call was lifted.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2151** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, following line 5, by inserting:

"New Section 1. (a) The secretary of corrections may transfer an offender from a correctional facility to home detention in the community if the secretary determines that community parenting release is an appropriate placement and:

(1) The offender is serving a current sentence for a nondrug severity level 4 through 10 felony or a drug severity level 3 through 5 felony and is determined to be low, low-moderate or moderate risk on a standardized risk assessment tool;

(2) the offender has no prior or current conviction for a sex offense or an inherently dangerous felony as defined in K.S.A. 2015 Supp. 21-5402, and amendments thereto, not including a drug severity level 3 through 5 felony;

(3) the offender has not been found by the United States attorney general to be subject to a deportation detainer or order;

(4) the offender signs any release of information waivers required to allow information regarding current or prior child in need of care cases involving the offender to be shared with the department of corrections;

(5) the offender had physical custody of such offender's minor child or was a legal guardian or custodian with physical custody of a minor child at the time the offense for which the offender is serving a sentence was committed;

(6) the offender has 12 months or less remaining of the offender's sentence; and

(7) the secretary of corrections determines that such placement is in the best interests of the child.

(b) Prior to transferring an offender from a correctional facility to home detention pursuant to this section, the secretary of corrections shall obtain information from the department for children and families regarding any child in need of care case involving the offender. Such information shall be used by the secretary of corrections in determining whether placing an offender in community parenting release is in the best interests of the child.

(c) Offenders placed on community parenting release shall provide to the secretary of corrections an approved residence and living arrangement prior to transfer to home detention.

(d) The secretary of corrections shall:

(1) Require offenders placed on community parenting release to:

(A) Comply with the provisions of K.S.A. 21-6609, and amendments thereto; and

(B) participate in programming and treatment that the secretary determines is needed; and

(2) assign a parole officer to monitor the offender's compliance with conditions of community parenting release.

(e) The secretary of corrections has the authority to return any offender serving the remainder of such offender's sentence on community parenting release to a correctional facility if the offender is not complying with community parenting release requirements.

New Sec. 2. (a) All law enforcement agencies in this state shall adopt a detailed, written policy relating to the procedures to be employed when a citizen is asked to identify a person in the context of a criminal investigation.

(b) All law enforcement agencies in this state shall collaborate with the county or district attorney in the appropriate jurisdiction to adopt written policies regarding eyewitness procedures. Such policies shall be made available to all officers of such agency.

(c) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within two years after the effective date of this act. Such policies shall be available for public inspection during normal business hours.

(d) The policies adopted pursuant to this section shall include, but not be limited to, identifying the procedures the law enforcement agency should employ when asking a citizen to identify a person in the context of a criminal investigation. The procedures should include:

- (1) Use of blind and blinded procedures;
- (2) instructions to the witness that the perpetrator may or may not be present;
- (3) use of non-suspect fillers who are reasonably similar to the perpetrator and do not make the suspect stand out; and
- (4) after an identification is made by the witness, eliciting a confidence statement, in the witness's own words, regarding the level of certainty in the selection.";

On page 3, in line 41, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "crimes, punishment and criminal procedure; relating to sentencing, early release from incarceration; eyewitness identification;"

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

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

JOHN BARKER

CHARLES MACHEERS

JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **Sub HB 2151**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2463** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, in line 6, by striking "Except as provided in paragraph (5),"; in line 10 before "person" by inserting "nondrug severity level 1 through 4"; in line 20, by striking all after the first "felony"; by striking all in lines 21 and 22; in line 23, by striking all before the period; in line 30, by striking all after felony; by striking all in line 31; in line 32 by striking all before "or"; also in line 32, by striking all after felony; in line 33, by striking all before the comma;

On page 12, following line 4, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 22-4903 is hereby amended to read as follows: 22-4903. (a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31<sup>st</sup> consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181<sup>st</sup> consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) Except as provided in subsection (c)(3), violation of the Kansas offender registration act is:

- (A) Upon a first conviction, a severity level 6, ~~person~~ felony;
- (B) upon a second conviction, a severity level 5, ~~person~~ felony; and
- (C) upon a third or subsequent conviction, a severity level 3, ~~person~~ felony.

Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(2) Except as provided in subsection (c)(3), aggravated violation of the Kansas offender registration act is a severity level 3, ~~person~~ felony.

Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be

registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(3) Violation of the Kansas offender registration act or aggravated violation of the Kansas offender registration act consisting only of failing to remit payment to the sheriff's office as required in ~~subsection (k)~~ of K.S.A. 22-4905(k), and amendments thereto, is:

(A) Except as provided in subsection (c)(3)(B), a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office;

(B) a severity level 9, ~~person~~ felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(d) Prosecution of violations of this section may be held:

(1) In any county in which the offender resides;

(2) in any county in which the offender is required to be registered under the Kansas offender registration act;

(3) in any county in which the offender is located during which time the offender is not in compliance with the Kansas offender registration act; or

(4) in the county in which any conviction or adjudication occurred for which the offender is required to be registered under the Kansas offender registration act.";

Also on page 12, in line 5, by striking "and" and inserting a comma; also in line 5, after "22-3716" by inserting "and 22-4903";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "violations of the Kansas offender registration act;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-3716" by inserting "and 22-4903";

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2463**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 518**, AN ACT concerning the Kansas cigarette and tobacco products act; relating to definitions, licenses and permits, suspension or revocation of a license, stamps, records required of dealer, unlawful acts, infractions, penalties, contraband goods, sale of cigarettes, counterfeit cigarettes, disposition of revenues, administrative fines, application of certain laws to taxes under act; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a and 79-3378 and K.S.A. 2015 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections, by Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2018**, and requests return of the bill.

The House concurs in Senate amendments to **Sub HB 2062**, and requests return of the bill.

The House concurs in Senate amendments to **S Sub HB 2285**.

The House adopts the Conference Committee report on **HB 2436**.

The House adopts the Conference Committee report on **HB 2462**.

The House adopts the Conference Committee report on **HB 2501**.

The House adopts the Conference Committee report on **HB 2545**.

The House nonconcurrs in Senate amendments to **HB 2662**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2739**, requests a conference and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

The House announced the appointment of Reps. Ryckman, Schwartz and Henry as a conferee on **S Sub HB 2441**.

The House announced the appointment of Reps. Schwartz, Boldra and Wilson as a conferee on **SB 388**.

## ORIGINAL MOTION

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2662**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2739**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 7:30 p.m.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2460**, and has appointed Representatives Gonzalez, Pauls and Highberger as second conferees on the part of the House.

The House not adopts the Conference Committee report on **HB 2615**, and has appointed Representatives Hawkins, Dove and Ward as third conferees on the part of the House.

The House concurs in Senate amendments to **HB 2164**, and requests return of the bill.

The House not adopts the conference committee report on **H Sub SB 63**.

#### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering **HB 2502**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2502** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RALPH OSTMEYER

JACOB LATURNER

*Conferees on part of Senate*

JAN PAULS

JAMES ERIC TODD

*Conferees on part of House*

On motion of Senator Ostmeier the Senate adopted the conference committee report on **HB 2502**, and requested a new conference be appointed.

The President appointed Senators Ostmeier, LaTurner and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2502**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2662** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RON RYCKMAN  
SHARON SCHWARTZ  
JERRY HENRY

*Conferees on part of House*

On motion of Senator Masterson the Senate adopted the conference committee report on **HB 2662**, and requested a new conference be appointed.

The President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **HB 2662**.

#### **ORIGINAL MOTION**

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2615**.

The President appointed Senators O'Donnell, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **H Sub SB 168**.

The House adopts the Conference Committee report on **H Sub SB 227**.

The House adopts the Conference Committee report on **Sub SB 323**.

The House adopts the Conference Committee report on **H Sub SB 337**.

#### **ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2059, S Sub HB 2156; HB 2456, HB 2617**.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2059** 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 line 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 11 and inserting:

"Section 1. K.S.A. 2015 Supp. 32-1301 is hereby amended to read as follows: 32-1301. As used in this act:

(a) "Person" means any individual, firm, partnership, corporation, association, municipality or other business entity.

(b) "Wildlife sanctuary" means a not-for-profit organization exempt from federal income taxation pursuant to section 501 (c)(3) of the internal revenue code of 1986, as in effect on July 1, 2006, that:

(1) Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced dangerous regulated animals are provided care for such animal's lifetime;

(2) does not conduct any commercial activity with respect to any dangerous regulated animal possessed by the organization;

(3) does not sell, trade, auction, lease or loan dangerous regulated animals, or parts thereof, which the organization possesses;

(4) does not breed any dangerous regulated animal of which the organization possesses, except as an integral part of the species survival plan of the American zoo and aquarium association;

(5) does not conduct any activity that is not inherent to the dangerous regulated animal's nature;

(6) does not use the dangerous regulated animal for any type of entertainment purposes; and

(7) operates a refuge in compliance with regulations promulgated by the United States department of agriculture for dangerous regulated animals, except non-native, venomous snakes, under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006, and the regulations and standards adopted under such act in effect on July 1, 2006, relating to operations, animal health and husbandry. All dangerous regulated animals shall be caged in compliance with the provisions set forth in K.S.A. 2015 Supp. 32-1306, and amendments thereto.

(c) "Possess" means to own, care for, have custody of or control.

(d) "Dangerous regulated animal" means a live or slaughtered parts of:

(1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or any hybrid thereof;

(2) bears or any hybrid thereof; and

(3) all ~~non-native~~, venomous snakes.

(e) "Local animal control authority" means an agency of the county or city that is responsible for animal control operations in such governmental entity's jurisdiction and includes the animal control officer, as defined by K.S.A. 47-1701, and amendments thereto, of such county or city. If the county or city does not have an animal control officer, for cities of the first class, the chief law enforcement officer shall have the local animal control authority duties and responsibilities pursuant to this act and for all other cities and counties, the county sheriff shall have the local animal control authority duties and responsibilities pursuant to this act.

(f) "Registered designated handler" means a person who is registered or would be required to be registered pursuant to K.S.A. 2015 Supp. 32-1310, and amendments thereto.

(g) "Full contact" means a situation in which an exhibitor or handler maintains control and supervision of an animal while temporarily surrendering physical possession or custody of such animal to another person.

(h) "Incidental contact" means a situation in which an exhibitor or handler maintains control, possession and supervision of an animal while permitting the public to come into contact with it.

(i) "Control" means keeping an animal in a harness and connected to a leash.

Sec. 2. K.S.A. 2015 Supp. 32-1306 is hereby amended to read as follows: 32-1306.  
 (a) Except as provided in subsection (e), all dangerous regulated animals shall be confined within a cage of sufficient strength and design for the purposes of maintaining and housing or transporting the animal. The requirements for sufficient caging shall be established by rules and regulations adopted by the secretary of wildlife, parks and tourism. Any cage or confinement structure shall be constructed in such a manner that prohibits physical contact with any person other than such persons listed in subsection (d).

~~(b) No dangerous regulated animal shall be allowed to be Dangerous regulated animals removed from confinement shall not be allowed to run at large or be tethered, leashed or chained outdoors, or allowed to run at large.~~

(c) A dangerous regulated animal shall not be mistreated, neglected, abandoned or deprived of necessary food, water and sustenance.

(d) A dangerous regulated animal shall ~~not~~ be allowed to come into physical contact with ~~any person other than~~ the person possessing the animal, the registered designated handler or a veterinarian administering medical examination, treatment or care.

~~(e) (1) A dangerous regulated animal shall not be brought to any public property or commercial or retail establishment, except to bring the animal to a licensed veterinarian or veterinarian clinic, not including bears or any hybrid thereof and venomous snakes, shall be permitted to come into full contact with members of the public if such animal weighs 10 pounds or less.~~

(2) A dangerous regulated animal, not including bears or any hybrid thereof and venomous snakes, shall be permitted incidental physical contact with members of the public if such animal weighs 25 pounds or less.

(3) A dangerous regulated animal may only be used for contact with the public if the exhibitor:

(A) Evaluates such animal and ensures compatibility with the intended uses of such animal;

(B) takes reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of members of the public or wildlife; and

(C) exhibits such animal in a manner that prevents injuries to members of the public or wildlife.

(4) Handling intervals or physical contact, full or incidental, by members of the public with dangerous regulated animals shall be limited in frequency, intensity and duration to protect the health, welfare and safety of the animals and to prevent injury to members of the public.

(5) Before a member of the public handles or otherwise comes into physical contact with a dangerous regulated animal weighing between 10 and 25 pounds, not including bears or any hybrid thereof and venomous snakes, such member of the public shall read and sign a statement that shall contain substantially the following:

"The handling or petting of a dangerous regulated animal is inherently dangerous and may result in scratches, bites or other injuries."

Sec. 3. K.S.A. 2015 Supp. 32-1308 is hereby amended to read as follows: 32-1308. Exemptions to the provisions set forth in this act are as follows:

(a) Institutions accredited by the ~~American zoo and aquarium~~ association of zoos and aquariums or the zoological association of America shall be exempt from K.S.A. 2015 Supp. 32-1302 ~~and~~ 32-1303 and 32-1310, and amendments thereto.

(b) A wildlife sanctuary registered with the local animal control authority shall be exempt from K.S.A. 2015 Supp. 32-1302, and amendments thereto.

(c) The Kansas department of wildlife, parks and tourism, or a person issued a permit by the secretary pursuant to K.S.A. 32-952, and amendments thereto, shall be exempt from this act.

(d) A licensed or accredited research or medical institution shall be exempt from K.S.A. 2015 Supp. 32-1302 and 32-1303, and amendments thereto.

(e) A United States department of agriculture licensed exhibitor of dangerous regulated animals while transporting or as part of a circus, carnival, rodeo or fair shall be exempt from this act.

Sec. 4. K.S.A. 2015 Supp. 32-1301, 32-1306 and 32-1308 are hereby repealed.";  
And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 2 and inserting "animals; relating to contact with dangerous regulated animals,"; in line 3, by striking "82a-708a" and inserting "32-1301, 32-1306 and 32-1308"; in line 4, by striking "section" and inserting "sections";

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

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

SHARON SCHWARTZ

SUE BOLDRA

JOHN WILSON

*Conferees on part of House*

The motion of Senator Kerschen to adopt the conference committee report on **S Sub for HB 2059** failed.

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Donovan, Holmes, Kerschen, LaTurner, Longbine, Love, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Tyson, Wagle, Wilborn.

Nays: Arpke, Baumgardner, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, Lynn, McGinn, Melcher, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Wolf.

Absent or Not Voting: King.

The Conference Committee Report was not adopted

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2156** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2156, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 13 and inserting the following:

"Section 1. K.S.A. 32-960a is hereby amended to read as follows: 32-960a. (a) On or before January 1, 1998, the secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations establishing procedures for developing and implementing recovery plans for all species listed as in need of conservation, threatened or endangered. The secretary shall give priority to development of recovery plans for particular species based on a cumulative assessment of the scientific evidence available. Based on the priority ranking, the secretary shall develop and begin implementation of recovery plans for at least two listed species on or before January 1, 1999.

(b) Whenever a species is added to the list of threatened or endangered species, the secretary shall establish a volunteer local advisory committee composed of members broadly representative of the area affected by the addition of the species to the list. Members shall include representatives of specialists from academic institutions, agribusiness and other trade organizations, state environmental and conservation organizations and other interested organizations and individuals. In addition, the membership shall include, if appropriate, landowners and public officials representing state, local and tribal governments. To the maximum extent possible, committee membership shall evenly balance the interests of all potentially affected groups and institutions.

(c) The advisory committee shall: (1) Work with the secretary to adapt the listing of the species and the recovery plan for the species to the social and economic conditions of the affected area; and (2) disseminate information to the public about the scientific basis of the decision to list the species, the regulatory process and incentives available to landowners pursuant to this act.

(d) If a species in need of conservation receives a priority ranking to develop and begin implementation of a recovery plan, the secretary shall establish a volunteer local advisory committee in the same manner as provided by subsection (b) to work with the secretary to adapt the recovery plan and disseminate information to the public.

(e) In implementing a recovery plan for a species, the secretary shall consider any data, recommendations and information provided by the advisory committee.

(f) The secretary shall cause each developed and implemented recovery plan to be published and maintained on the official website of the department of wildlife, parks and tourism.

Sec. 2. K.S.A. 32-961 is hereby amended to read as follows: 32-961. (a) Whenever any species is listed as a threatened species pursuant to K.S.A. 32-960, and amendments thereto, the secretary shall adopt such rules and regulations pursuant to K.S.A. 32-963, and amendments thereto, as the secretary deems necessary and advisable to provide for the conservation of such species. By rules and regulations adopted pursuant to K.S.A. 32-963, and amendments thereto, the secretary may prohibit with respect to any threatened species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto, except as provided in subsection (c), any act which is prohibited under subsection (b) with respect to any endangered species included in a list adopted pursuant to K.S.A. 32-960.

(b) Except as otherwise specifically provided by this section or rules and regulations adopted pursuant to this section, a special permit is required for any person subject to the jurisdiction of this state to:

(1) Export from this state any endangered species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto;

(2) possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such endangered species; or

(3) act in a manner contrary to any rule and regulation adopted by the secretary pursuant to authority provided by K.S.A. 32-957 through 32-963 and 32-1009 through 32-1012, and amendments thereto, which pertains to such endangered species or to any threatened species of wildlife included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto.

(c) The provisions of subsection (b)(3) shall not apply to:

(1) Normal farming and ranching practices, including government cost-shared agriculture land treatment measures, unless a permit is required by another state or federal agency or such practices involve an intentional taking of a threatened species under K.S.A. 32-1010, and amendments thereto, or involve an intentional taking of an endangered species under K.S.A. 32-1011, and amendments thereto;

(2) development of residential and commercial property on privately owned property financed with private, nonpublic funds unless a permit is required by another state or federal agency or the development involves an intentional taking of a threatened species under K.S.A. 32-1010, and amendments thereto, or involves an intentional taking of an endangered species under K.S.A. 32-1011, and amendments thereto; or

(3) activities for which a person has obtained a scientific, educational or exhibition permit, as provided by K.S.A. 32-952, and amendments thereto.

(d) For the purposes of this section, a permit required by another state or federal agency shall not include a certification or registration.

(e) Subsection (b) does shall not apply to any endangered species listed pursuant to K.S.A. 32-960, and amendments thereto, and any species of wildlife determined to be an endangered species pursuant to Pub. L. 93-205 (December 28, 1973), the endangered species act of 1973, and amendments thereto, entering the state from another state or from a point outside the territorial limits of the United States and being transported to a point within or beyond the state in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

~~(4)~~ (f) The secretary may issue special permits to authorize, under such terms and conditions as the secretary prescribes, any act described in subsection (b) or any act which is otherwise prohibited by rules and regulations adopted pursuant to subsection (a), for scientific purposes or to enhance the propagation or survival of the affected species. Application for such permit shall be made to the secretary or the secretary's designee and shall be accompanied by the fee prescribed pursuant to K.S.A. 32-988, and amendments thereto. The secretary shall maintain a list of permit applications under this subsection. Where such applications have been approved and special permits have been issued, the secretary shall maintain a list of such permits, including therein the name and address of the permittee and the terms and conditions prescribed for each such permit. The secretary shall keep such lists current and shall file copies thereof, along with any additions or amendments, with the secretary of the interior of the federal government.

~~(e)-(g)~~ Threatened or endangered species included in a list adopted pursuant to K.S.A. 32-960, and amendments thereto, may be captured or destroyed without a permit by any person in an emergency situation involving an immediate and demonstrable threat to human life.

(h) (1) For all new species listed as endangered or threatened by the secretary pursuant to this act on and after July 1, 2016, recovery plans for such species shall be completed within four years after the species is listed. If such recovery plan is not completed within four years, no permit shall be required by the secretary for any activity that would otherwise require a permit pursuant to this act until the recovery plan is complete. The provisions of this paragraph shall not apply to any species listed as endangered or threatened under the endangered species act of 1973 (Pub. L. No. 93-205).

(2) The secretary shall annually submit a report on all species listed as endangered or threatened as of June 30, 2016, to the senate committee on natural resources and the house committee on agriculture and natural resources. Such report shall include:

(A) The status of species with a completed recovery plan;

(B) the status of species with a recovery plan currently in process, but not yet complete; and

(C) future goals for completing recovery plans for any listed species that does not yet have a recovery plan.

Sec. 3. K.S.A. 32-960a and 32-961 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking line 2; in line 3, by striking "303b" and inserting "wildlife, parks and tourism; relating to the nongame and endangered species act; amending K.S.A. 32-960a and 32-961";

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

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

SHARON SCHWARTZ

SUE BOLDRA

JOHN WILSON

*Conferees on part of House*

Senator Powell moved the Senate adopt the Conference Committee Report on **S Sub HB 2156**.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 2; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Fitzgerald.

Present and Passing: Francisco, Holland.

Absent or Not Voting: King.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2456** 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 4 through 36;

By striking all on pages 2 through 16 and inserting the following:

"New Section 1. (a) No tanning facility shall provide access to a tanning device for any person under 18 years of age.

(b) In addition to the board's authority to impose discipline pursuant to K.S.A. 65-1920, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$250 against a licensee for each violation. Such fine may be assessed in lieu of or in addition to such discipline.

(c) The board shall adopt rules and regulations as necessary to effectuate the provisions of this section. Such rules and regulations shall be adopted no later than January 1, 2017.

New Sec. 2. K.S.A. 65-1920 through 65-1929 and section 1, and amendments thereto, shall be known and may be cited as the Kansas tanning facilities act.

Sec. 3. K.S.A. 65-1810 is hereby amended to read as follows: 65-1810. (a) No barber school or barber college shall be approved by the board unless:

(1) The school or college requires, as a prerequisite to graduation, a course of instruction of not less than 1,200 hours and not more than 1,500 hours, as prescribed in rules and regulations by the board, to be completed within 18 months of not more than eight hours in any one working day;

(2) the course of instruction required by the school or college includes scientific fundamentals of barbering; hygiene; histology of the hair and skin; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; massages and manipulations of the muscles of the scalp, skin and neck; cutting, shaving, arranging, perming, waving, curling, coloring, bleaching, tinting and dyeing the hair; and barbering practices for all major ethnic groups residing in the state;

(3) all instructors of the school or college have been licensed practicing barbers ~~for not less than three years~~ and hold instructors licenses; and

(4) no practice or policy of discrimination is in effect against applicants for admission to the school or college by reason of race, religion, color, national origin or ancestry.

(b) An instructor's license shall be granted by the board only after the applicant has passed a two-part examination, prescribed by the board for such purpose, with a grade of not less than 75% on each part of the examination, and has paid the prescribed fee for such examination.

(c) Every barber school and every barber college shall designate to the public that it is a barber school or barber college by posting a sign on the front window or entrance with letters not less than six inches in height.

(d) No barber school or barber college shall enroll or admit any student ~~thereto~~ unless such student shall make and file in duplicate an application upon a form prescribed and furnished by the board. One copy of such application shall be retained by the school or college, and the school or college shall file the other with the board.

Upon enrollment, a student shall pay to the board the fee prescribed for a student learning license. Such license shall be used by the student while enrolled in the school or college and shall be placed next to or near the working area of the student.

(e) ~~No barber school or barber college shall enroll or admit any student to a postgraduate course for the purpose of qualifying persons to pass the examination conducted by the board to determine fitness to practice barbering.~~ Barber schools or barber colleges may design courses of study for barbers who have not renewed their licenses for a period of at least three years, for students who have failed at least two examinations conducted by the board to determine fitness to practice barbering or for other purposes as prescribed by the board, including courses of study for professionals in related industries.

(f) It shall be unlawful for any person, firm or corporation to operate a barber school or barber college without first obtaining a license from the board, fully complying with the provisions of this act and paying an annual fee for ~~the~~ operation thereof.

Sec. 4. K.S.A. 65-1812 is hereby amended to read as follows: 65-1812. (a) Any person shall be qualified to receive a license to practice barbering if such person:

(1) Is at least 16 years of age and of good moral character and temperate habits;  
 (2) has graduated from a high school accredited by the appropriate accrediting agency or has otherwise obtained the equivalent of a high school education;

(3) is a graduate of a barber school or barber college approved by the board or has satisfactorily completed the barber course at an institution under the control of the secretary of corrections or the disciplinary barracks at Fort Leavenworth or has been certified in a related industry, such as barbering in any branch of the United States military service, and has completed a course of study in a licensed Kansas barber college or barber school as prescribed by the board under K.S.A. 65-1810(e), and amendments thereto, or has been a cosmetologist licensed by the Kansas board of cosmetology and has completed a course of study in a licensed Kansas barber college or barber school as prescribed by the board under K.S.A. 65-1810(e), and amendments thereto; and

(4) has paid an examination fee and has passed the examination conducted by the board to determine the fitness of such person to practice barbering.

(b) Any person who fails to pass an examination conducted by the board to determine such person's fitness to practice barbering shall be entitled to take the next examination conducted by the board.

(c) The board may issue a temporary license to practice barbering to any person who has graduated from an approved barber school or barber college and who makes application to take the next examination for licensure to practice barbering. Such license shall be effective only until the results of the examination are announced. No more than three temporary licenses shall be issued to any one person.

Sec. 5. K.S.A. 65-1819 is hereby amended to read as follows: 65-1819. (a) Every licensed barber, instructor, operator of a barber shop and operator of a barber school or barber college shall annually renew the license and pay the required fee. The expiration date of each license which is issued, restored or renewed by the board shall be established by rules and regulations of the board so that licenses are renewed by the board throughout the year on a continuing basis. In each case in which a license is issued, restored or renewed for a period of time of less than one year, the board may

prorate the amount of the fee established under K.S.A. 65-1817, and amendments thereto.

(b) A barber, instructor or operator of a barber shop whose license has been expired for a period of less than three years may have the license renewed ~~immediately~~ upon filing with the board a renewal application and payment of the required restoration fee. Any barber, instructor or operator of a barber shop whose license has been expired for a period of three or more years; may renew the license ~~after a successful~~ by filing with the board an application for reexamination, successfully completing such reexamination by the board and ~~upon the payment of~~ paying the required examination and license fees. Upon receipt of such application, payment of fees and passage of reexamination, if applicable, the board may grant a new license according to the provisions of K.S.A. 65-1820a, and amendments thereto.

Sec. 6. K.S.A. 65-1820a is hereby amended to read as follows: 65-1820a. (a) The board may ~~issue orders which require the remedying of any of the violations specified in subsection (b). If the violations are not remedied in a reasonable time after the order is issued, the board shall issue an order suspending the license of the violator. The board shall follow the procedure provided in the Kansas administrative procedure act to suspend a license.~~

(b) ~~The board may refuse to issue, renew, suspend or revoke a license for any one or combination of the following reasons: censure, limit, condition, suspend, revoke or refuse to issue, reinstate or renew a license of any applicant or licensee upon proof that the applicant or licensee:~~

- (1) Has committed malpractice or incompetency;
- (2) ~~when an applicant or a licensed barber is or becomes~~ has become afflicted with an infectious or communicable disease;
- (3) ~~advertising has advertised~~ by knowingly false or deceptive statements;
- (4) ~~advertising, practicing or attempting has advertised, practiced or attempted to practice under a trade name other than one's own;~~
- (5) ~~habitual drunkenness or habitual addiction to habit-forming drugs is unable to practice barbering with skill and safety due to current abuse of drugs or alcohol;~~
- (6) has committed unprofessional conduct as defined in rules and regulations adopted by the board;
- (7) ~~obtaining or attempting has obtained or attempted to obtain a license for money other than the required fee, or for any other thing of value or by fraudulent misrepresentations;~~
- (8) ~~the willful failure has willfully failed to display a license to practice barbering as required by K.S.A. 65-1818, and amendments thereto;~~
- (9) ~~practicing or attempting has practiced or attempted to practice barbering by fraudulent misrepresentations;~~
- (10) ~~the violation of has violated any of the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the regulation of barber shops, barber schools and barber colleges; or~~
- (11) ~~the violation of has violated any lawful rules and regulations of the board concerning the operation or management of a barber shop, barber school or barber college; or~~

(12) has been convicted of any felony offense or misdemeanor offense of a crime against persons or involving illegal drugs as determined by the board in rules and regulations, and the licensee or applicant for a license is unable to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust.

(b) The board, in lieu of or addition to any other penalty prescribed under the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may assess a civil fine against a licensee for a violation of the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, in an amount not to exceed \$1,000.

(c) In all matters pending before the board, the board shall have the power to revoke the license of any licensee who voluntarily surrenders such person's or entity's license pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(d) All proceedings under the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be in accordance with the Kansas judicial review act.

Sec. 7. K.S.A. 2015 Supp. 65-1824 is hereby amended to read as follows: 65-1824. The board is hereby authorized, empowered, and directed to administer and enforce the provisions of this act and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing the same. In addition thereto, the board shall have power:

(a) To supervise and regulate the barbering industry in this state. Nothing contained in this act shall be construed to abrogate, affect the status, force or operation of any provision of the general laws of this state relating to public health or any lawful rule, regulation or order promulgated thereunder, the law regulating the practice of barbering or any local health ordinance or regulation.

(b) To investigate all matters pertaining to the proper supervision and control of barber shops and the practice of barbering in this state.

(c) To subpoena barber shop owners, operators, managers or employees, their books and accounts, and other persons from whom such information may be desired, to carry out the purposes and intent of this act, and may issue commissions to take depositions from witnesses absent from the state. Any member of the board may sign and issue subpoenas and administer oaths to witnesses.

(d) To act as mediator and arbitrator in any controversy or issue that may arise among or between barbers as individuals or that may arise between them as groups. Nothing herein contained shall be construed as authorizing any interference with the authority of the state department of labor or the United States department of labor.

The operation and effect of any provisions of this act which confer a general power upon the board shall not be impaired or qualified because a specific power has been granted to the board by this act.

(e) To issue a cease and desist order against any individual, operator or licensee if the board determines that such individual, operator or licensee has practiced without a valid license or engaged or attempted to engage in any act or practice in violation of

article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder.

(f) To make an application to any court of competent jurisdiction for an order enjoining any person who has engaged or attempted to engage in any act or practice in violation of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder. Upon a showing by the board that such person has engaged or attempted to engage in any such act or practice, an injunction, restraining order or such other order as may be appropriate shall be granted by such court without bond.

Sec. 8. K.S.A. 65-1810, 65-1812, 65-1819 and 65-1820a and K.S.A. 2015 Supp. 65-1824 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after "ACT" and inserting "concerning state boards; relating to the state board of cosmetology; state board of barbering; powers, duties and functions thereof; regulation of tanning facilities; regulation of barbering; amending K.S.A. 65-1810, 65-1812, 65-1819, 65-1820a and 2015 Supp. 65-1824 and repealing the existing sections.";

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

MICHAEL O'DONNELL

ELAINE BOWERS

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS

WILLIE DOVE

JIM WARD

*Conferees on part of House*

Senator O'Donnell moved the Senate adopt the Conference Committee Report on **HB 2456**.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, Longbine, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Wagle, Wilborn, Wolf.

Nays: Bruce, LaTurner, Love, Melcher, Olson, Pilcher-Cook, Pyle, Smith, Tyson.

Absent or Not Voting: King.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2617** submits the following report:

The Senate recesses from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 4, in line 10, after "(c)" by inserting "After implementation of rules and regulations by the director,";

On page 5, following line 18, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 44-550b is hereby amended to read as follows: 44-550b. (a) All records provided to be maintained under K.S.A. 44-550, and amendments thereto, and notwithstanding the provisions of K.S.A. 45-215 et seq., and amendments thereto, shall be open to public inspection, except:

(1) Records relating to financial information submitted by an employer to qualify as a self-insurer pursuant to K.S.A. 44-532, and amendments thereto;

(2) records which relate to utilization review or peer review conducted pursuant to K.S.A. 44-510j, and amendments thereto, shall not be disclosed except to the health care provider and as otherwise specifically provided by the workers compensation act;

(3) records relating to private premises safety inspections;

(4) medical records, forms collected pursuant to ~~subsection (b) of K.S.A. 44-567(b)~~, and amendments thereto, accident reports maintained under K.S.A. 44-550, and amendments thereto, and social security numbers pertaining to an individual which shall not be disclosed except:

(A) Upon order of a court of competent jurisdiction;

(B) to the employer, its insurance carrier or its representative, from whom a worker seeks workers compensation benefits;

(C) to the division of workers compensation for its own purposes;

(D) to federal or state governmental agencies for purposes of fraud and abuse investigations and child support enforcement, except that such disclosure shall not then be open to public inspection;

(E) to an employer in connection with any application for employment to an employer, its insurance carrier or representatives providing: (i) A conditional offer of employment has been made; and (ii) the request for records includes a signed release by the individual, identifies the job conditionally offered by the employer and is submitted in writing, either by mail or electronic means. Requests relating to an individual under this subsection shall be considered a record to be maintained and open to public inspection under K.S.A. 44-550, and amendments thereto, except social security numbers;

(F) to the workers compensation fund for its own purposes; and

(G) to the worker upon written release by the worker.

(b) This section shall be part of and supplemental to the workers compensation act.";

Also on page 5, in line 19, after "44-510i" by inserting "and 44-550b";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "records disclosure;"; in line 3, after "44-510i" by inserting "and 44-550b";

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

JULIA LYNN  
SUSAN WAGLE  
TOM HOLLAND

*Conferees on part of Senate*

MARK HUTTON

LES MASON

STAN FROWNFELTER

*Conferees on part of House*

Senator Lynn moved the Senate adopt the Conference Committee Report on **HB 2617**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King.

The Conference Committee Report was adopted.

#### **ORIGINAL MOTION**

Having voted on the prevailing side on **S Sub HB 2059**, Senator Bruce moved the Senate reconsider its action on **S Sub HB 2059**, and requests a new conference be appointed.

The motion carried and the President appointed Senators Powell, Kerschen and Francisco as a second Conference Committee on the part of the Senate on **S Sub HB 2059**.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2088**.

The House adopts the Conference Committee report on **Sub HB 2151**.

The House adopts the Conference Committee report on **HB 2463**.

The House adopts the Conference Committee report to agree to disagree on **SB 248**, and has appointed Representatives Ryckman, Schwartz and Henry as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 249**, and has appointed Representatives Ryckman, Schwartz and Henry as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 366**, and has appointed Representatives Hutton, Mason and Frownfelter as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2502**, and has appointed Representatives Pauls, Todd and Scott as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2662**, and has appointed Representatives Ryckman, Schwartz and Henry as second conferees on the part of the House.

**ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 248; H Sub SB 249; SB 366.**

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 248** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RON RYCKMAN

JERRY HENRY

*Conferees on part of House*

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **SB 248**, and requested a new conference be appointed.

The President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **SB 248**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 249** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RON RYCKMAN

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **H Sub SB 249**, and requested a new conference be appointed.

The President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **H Sub SB 249**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 366** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MARK HUTTON

LES MASON

*Conferees on part of House*

JULIA LYNN

SUSAN WAGLE

*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **SB 366**, and requested a new conference be appointed.

The President appointed Senators Lynn, Wagle and Holland as a second Conference Committee on the part of the Senate on **SB 366**.

**REPORT ON ENROLLED BILLS**

**SR 1786, SR 1787, SR 1788, SR 1789, SR 1790, SR 1792, SR 1793, SR 1794, SR 1795** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 29, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Saturday, April 30, 2016.

**TRIBUTES**

The Committee on Organization, Calendar and Rules authorizes the following tributes for the weeks of March 21 through March 24 and April 27 through April 29, 2016:

Senator Bowers: congratulating the Phillips County Review on receiving a 2015 Kansas Press Association Award of Excellence, congratulating LiveLincolnCounty.com on receiving a 2015 Kansas Press Association Award of Excellence, congratulating Geisler Roofing on receiving the Duro-Last General Club Award, congratulating Ken Stielow on receiving the Stockman of the Year Award, congratulating Lindsay Johnson on receiving the 2015 Challenge Award of Merit, congratulating Hannah Bott on being named a Kansas Student Journalist of the Year, congratulating Sarah Katsiyannis on receiving the 2016 Kansas Poetry Out Loud Award, congratulating Dr. Philip Bentz on receiving the 2016 River Valley Extension District Appreciation Award, congratulating David Anderson on being named the 2016 Emergency Worker/Volunteer of the Year, congratulating Norma Gooch on receiving the 2016 Russell County Community Service Award, congratulating Garry Lowry on receiving the Smart/Maher Teacher of the Year Award, congratulating Carter Wessling on winning the 2016 state wrestling championship, congratulating Anna Klema on her 100<sup>th</sup> Birthday, congratulating Dick Crome on his 100<sup>th</sup> Birthday, congratulating Tim Halfhide on being named the 2016 Kansas Rural Water Association Wastewater Utility Operator of the Year;

Senator Faust-Goudeau: recognizing Literacy Day at the Statehouse, recognizing Hunter Health Clinic and its 40 years of service, commending “Unspoken Violence” for using artwork to raise awareness of domestic violence, commending Kappa Delta Chi for their service in the Wichita community, congratulating Victoria Wiggins on winning the 2016 Miss Kansas USA title;

Senator Haley: recognizing the 100<sup>th</sup> Anniversary of the Young Memorial Church of God in Christ;

Senator Hawk: congratulating Dr. Jacque Gibbons on an outstanding career and his retirement, honoring Diane Hawk on her service to education in Kansas;

Senator Kelly: celebrating Dorothy Priddy and her 100<sup>th</sup> Birthday, congratulating Albert and Helen Fiebig on their 60<sup>th</sup> Wedding Anniversary;

Senator LaTurner: honoring the life Roy Leon Derfelt;

Senator Ostmeyer: congratulating Louis and Rosann Felder on their 65<sup>th</sup> Wedding Anniversary;

Senator Wilborn: recognizing Marshall Christmann III for his service to Stafford County.

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Saturday, April 30, 2016, 10:00 a.m.

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

Heavenly Father, bring us today, into attitudes of gratefulness. We're able to look back, to look up and to look forward. We can look back over these months and see that Your presence has been with the Senators...the supporting staff and all who are working here, making laws to bless Your people. In the beginning, we asked You to be the Head Chef...to bring together the right mixture of ingredients, and help us maintain just the right temperature in our attitudes and actions. And Lord, You've done that. Like that Head Chef, who is topping off and completing a fine meal, top off and complete the work that You intended for this session. We look back in gratefulness. But we also look up to give You praise...to honor You and to recognize that You're not done with us. For, when we walk out of these halls, there'll still be work that You want us to do. You're still wanting to cook up some stuff. And You still want us to commit and serve, as humble waiters and waitresses. Lord, with all that in mind, we can look forward, thanking You in advance for how You shall continue to use us and continue to bless us. Because You said in Hebrews 13:5, You'd never leave and You'd never forsake. Thank You, that in gratefulness, we can look back, look up and look forward. I come to You again, in Jesus' name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **SB 518**.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1796—

A RESOLUTION congratulating and commending Zainab Dafalla  
on receiving a 2016 Gates Millennium Scholarship.

WHEREAS, Zainab Dafalla, from Wyandotte High School in Kansas City, Kansas, has been selected as a 2016 Gates Millennium Scholar; and

WHEREAS, The Gates Millennium Scholars Program was established in 1999 to promote academic excellence and to provide opportunities for outstanding minority students with significant financial need to reach their highest potential; and

WHEREAS, This prestigious program selects only 1,000 exceptional students per year nationwide to receive a full scholarship covering the cost of tuition, fees, books and living expenses at a college or university of the student's choice and offers students leadership development, mentoring and academic and social support; and

WHEREAS, To qualify for the program, students must receive endorsements from an educator and a community member, hold a minimum grade point average of 3.3 and demonstrate leadership through community service or extracurricular or other activities; and

WHEREAS, During her sophomore year, Zainab Dafalla's school attendance and grade point average began to drop after her mother was severely injured by a gunshot to the head. However, the unexpected tragedy motivated Zainab to start facing the harsh realities in her life more constructively; and

WHEREAS, Zainab Dafalla began working harder in school and, now in her senior year, has risen to the top 10 percent of her class of 307 students. Zainab has also participated in numerous activities in her school and community, including the Upward Bound Math and Science program, the Youth Exchange and Study program, the Wyandotte High School Student Council and the Wyandotte High School girls' varsity soccer team. Additionally, Zainab has diligently balanced her high school and extracurricular activities with work so she can save money and help her parents pay rent: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Zainab Dafalla on receiving a 2016 Gates Millennium Scholarship. Zainab has exemplified academic excellence and leadership, and we wish her all the best for continued success in future academic, personal and career challenges and opportunities; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1796** was adopted by voice vote.

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

SENATE RESOLUTION No. 1797—

A RESOLUTION congratulating and commending Darion Stafford on receiving a 2016 Gates Millennium Scholarship.

WHEREAS, Darion Stafford, from Washington High School in Kansas City, Kansas, has been selected as a 2016 Gates Millennium Scholar; and

WHEREAS, The Gates Millennium Scholars Program was established in 1999 to promote academic excellence and to provide opportunities for outstanding minority students with significant financial need to reach their highest potential; and

WHEREAS, This prestigious program selects only 1,000 exceptional students per year nationwide to receive a full scholarship covering the cost of tuition, fees, books and living expenses at a college or university of the student's choice and offers students leadership development, mentoring and academic and social support; and

WHEREAS, To qualify for the program, students must receive endorsements from an educator and a community member, hold a minimum grade point average of 3.3 and demonstrate leadership through community service or extracurricular or other activities; and

WHEREAS, Darion Stafford is the 2015-2016 deputy wing commander of the Air Force JROTC at Washington High School and a Kansas State Scholar; and

WHEREAS, Darion Stafford plans on attending Oklahoma State University to major in aviation and aspires to become a pilot: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Darion Stafford on receiving a 2016 Gates Millennium Scholarship. Darion has exemplified academic excellence and leadership, and we wish him all the best for continued success in future academic, personal and career challenges and opportunities; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1797** was adopted by voice vote.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 388**.

The House did not adopt the conference committee report to agree to disagree on **H Sub SB 402**.

The House adopts the Conference Committee report on **S Sub HB 2156**.

The House adopts the Conference Committee report on **HB 2456**.

The House adopts the Conference Committee report on **HB 2617**.

The House accedes to the request of the Senate for a conference on **S Sub HB 2059** and has appointed Representatives Schwartz, Boldra and Wilson as second conferees on the part of the House.

The House concurs in Senate amendments to **Sub HB 2289**, and requests return of the bill.

The House announced the appointment of Representatives O'Brien, Dove and Ousley as conferees on **H Sub SB 193**.

The House announced the appointment of Representative Tietze to replace Representative Scott as a conferee on **HB 2502**.

#### CHANGE OF CONFERENCE

Under the authority of the President, the Vice President announced the appointment of Senator Pettey as a member of the Conference Committee on **S Sub HB 2049** to replace Senator Haley.

The Vice President announced the appointment of Senator Abrams to replace Senator Masterson, Senator Arpke to replace Senator Denning and Senator Hensley to replace Senator Kelly as a members of the Conference Committee on **H Sub SB 193**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 168, H Sub 227; Sub SB 323; H Sub SB 337; SB 388; S Sub HB 2056; HB 2163, HB 2460, HB 2490.**

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 168** 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. 168, as follows:

On page 4, in line 31, by striking "2021" and inserting "2020";

On page 5, in line 32, by striking "2021" and inserting "2020";

On page 6, in line 24, by striking "2021" and inserting "2020";

On page 7, in line 1, following "74-4937" by inserting "(3),"; in line 6, by striking all following "(iii)"; by striking all in lines 7 through 23; in line 24, by striking "(iv)";

And by redesignating subsections, paragraphs and subparagraphs accordingly;

Also on page 7, in line 35, by striking "and"; following line 35, by inserting:

"(vi) a poll worker hired to work an election day for a county election officer responsible for conducting all official elections held in the county; and";

On page 9, in line 20, by striking "2016" and inserting "2021"; in line 29, after "74-4937" by inserting "(3),"; in line 31, after "as" by inserting ", commencing July 1, 2016,", in line 39, before the comma, by inserting "and prior to the end of the subsequent 60-day waiting period";

On page 10, in line 1, after the period by inserting "The participating employer which hired such retirant shall be required to pay to the system any fees, fines, penalties or any other cost imposed by the internal revenue service and indemnify the system for any cost incurred by the system to defend any action brought by the internal revenue service based on in-service distributions which are a result of any determined prearranged agreement and for any cost incurred by the system to collect any monthly retirement benefit required to be repaid by such retirant pursuant to this subsection.

(9) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.";

On page 13, in line 11, by striking "extend" and inserting "make a one-time extension to"; in line 32, by striking "2021" and inserting "2020";

On page 15, in line 17, by striking "extend" and inserting "make a one-time extension to"; in line 38, by striking "2021"; and inserting "2020"; in line 42, after "subsection" by inserting "(3),";

On page 16, in line 1, after "as" by inserting ", commencing July 1, 2016,"; following line 6, by inserting:

"(8) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.";

On page 18, following line 10, by inserting:

"Sec. 6. K.S.A. 74-4916 is hereby amended to read as follows: 74-4916. (1) Upon the death of a member before retirement, the member's accumulated contributions shall be paid to the member's beneficiary.

(2) (a) In the event that a member dies before retirement as a result of an accident arising out of and in the course of the member's actual performance of duty in the employ of a participating employer independent of all other causes and not as a result of a willfully negligent or intentional act of the member, an accidental death benefit shall be payable if: (A) A report of the accident, in a form acceptable to the board, is filed in the office of the executive director of the board within 60 days after the date of the accident causing such death and an application for such benefit, in such form and manner as the board shall prescribe, is filed in the office of the executive director of the board within two years of the date of the accident, but the board may waive such time limits for a reasonable period if in the judgment of the board the failure to meet these limits was due to lack of knowledge or incapacity; and (B) the board finds from such evidence as it may require, to be submitted in such form and manner as it shall prescribe, that the natural and proximate cause of death was the result of an accident arising out of and in the course of the member's employment with a participating employer independent of all other causes at a definite time and place. Such accidental death benefit shall be a lump-sum amount of \$50,000 and an annual amount of  $\frac{1}{2}$  of the member's final average salary, and for members who were first employed by a participating employer and covered as a member of the system under the provisions of K.S.A. 74-49,301 et seq. and amendments thereto, an annual amount of 50% of such member's salary averaged over the final three years of such member's covered employment, which shall accrue from the first day of the month following the date of death and which shall be payable in monthly installments or as the board may direct, but, after June 30, 1982, in no case shall the accidental death benefit be less than \$100 per month. The accidental death benefit payments shall be paid to the surviving spouse of such deceased member, such payments to continue so long as such surviving spouse lives or if there is no surviving spouse, or in the case the spouse dies before the youngest child of such deceased member attains age 18 or before the youngest child of such deceased member attains age 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto, or if there are one or more children of the member who are totally disabled and dependent on the member or spouse, then to the child or children of such member under age 18 or under age 23, if such child or children are full-time students as provided in K.S.A. 74-49,117, and amendments thereto, and to the child or children of the member who are totally disabled and dependent on the member or spouse, divided in such manner as the board in its discretion shall determine, to continue until the youngest surviving child dies or attains age 18 or attains age 23 if such child is a full-time student as provided in K.S.A. 79-49,117, and amendments thereto, or, in the case of the child or children who are totally

disabled and dependent on the member or spouse, until death or until no longer totally disabled, or if there is no surviving spouse or child eligible for accidental death benefits under this subsection (2) at the time of the member's death, then to the parent or parents of such member who are dependent on such member, to continue until the last such parent dies. All payments due under this subsection (2) to a minor shall be made to a legally appointed conservator of such minor or totally disabled child as provided in ~~subsection (7) of K.S.A. 74-4902, 74-49, 127,~~ and amendments thereto. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act.

(b) In construction of this section of the act there shall be no presumption that the death of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the person claiming under this subsection (2). In the event of the death of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that death was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) The annual benefit under this subsection (2) shall be reduced by any workers compensation benefit payable. If the workers compensation benefit is paid in a lump-sum, the amount of such reduction shall be calculated on a monthly basis over the period of time for which workers compensation benefits would have been payable had such lump-sum not been paid. For any recipient already in receipt of such benefits on the effective date of this act, no change in the original reduction for workers compensation benefits shall be applicable to benefits paid prior to July 1, 1994. In the event that a member should die as a result of an accident as described in this subsection (2), all elections or options previously made by the deceased member shall become void and of no effect whatsoever and the retirement system shall be liable only for the accidental death benefit, refund of accumulated contributions as described in subsection (1) and any insured death benefit that may be due. The benefit payable under this subsection (2) shall be known and referred to as the "accidental death benefit."

(3) (a) Upon the application of a member, or the member's appointing authority acting for the member, a member who is in the employ of a participating employer and becomes totally and permanently disabled for duty in the employ of a participating employer, by reason of an accident which occurred prior to July 1, 1975, may be retired by the board if: (A) The board finds the total and permanent disability to be the natural and proximate result of an accident causing personal injury or disease independent of all other causes and arising out of and in the course of the member's actual performance of duties as an employee of a participating employer; ~~and~~ (B) a report of the accident, in a form acceptable to the board is filed in the office of the executive director of the board within 200 days after the date of the accident causing such injury; ~~and~~ (C) such application for retirement under this provision, in such form and manner as shall be prescribed by the board, is filed in the office of the executive director of the board within two years of the date of the accident; ~~and~~ (D) after a medical examination of the

member has been made by or under the direction of a medical physician or physicians or any other practitioner holding a valid license to practice a branch of the healing arts issued by the state board of healing arts designated by the board and the medical physician or physicians or any other practitioner holding a valid license to practice a branch of the healing arts issued by the state board of healing arts report in writing to the board that the member is physically or mentally totally disabled for duty in the employ of a participating employer and that such disability will probably be permanent; and (E) the board finds that the member became permanently and totally disabled on a date certain based on the evidence furnished and the professional guidance obtained and that such disability was not the result of a willfully negligent or intentional act of the member. If the board shall so retire the applicant, the member shall receive annually an accidental total disability benefit equal to  $\frac{1}{2}$  of the member's final average salary which shall accrue from the first day of the month following the date of such accidental total and permanent disability as found by the board payable in monthly installments or as the board may direct.

(b) In construction of this subsection (3) there shall be no presumption that the disability of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the member claiming under this subsection (3). In the event of the disability of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that disability was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) A member will continue to receive such accidental total disability benefit so long as the member is wholly and continuously disabled by such injury and prevented thereby from engaging in any gainful occupation or employment for which the member is reasonably qualified by reason of education, training or experience. The accidental loss of both hands by actual severance through or above the wrist joint, or the accidental loss of both feet by actual severance through or above the ankle joint or the entire and irrecoverable accidental loss of sight of both eyes, or such severance of one hand and one foot, and such severance of one hand or one foot and such loss of sight of one eye, shall be deemed accidental total and permanent disability and accidental total disability benefits shall be paid so long as the member lives.

(d) Any retirant retired by reason of such accidental total and permanent disability who has been receiving benefits under the provisions of this subsection (3) for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees has reasonable grounds to question whether the retirant remains totally and permanently disabled, a further medical examination or examinations may be required. Refusal or neglect to submit to examination shall be sufficient cause for suspending or discontinuing the accidental total disability benefit. If the refusal or neglect continues for a period of one year, all of the member's rights with respect to such accidental total disability benefit may be revoked by the board.

(e) In the event that a retirant who is receiving an accidental total disability benefit dies within five years after the date of the retirant's retirement, an accidental death benefit shall then be payable as provided in subsection (2) of this section.

(f) A member who retires under the provisions of this subsection (3) shall receive

such benefits as provided in this subsection (3) in lieu of all other retirement benefits provided under the retirement system except that no member shall be entitled to receive any payments under this subsection (3) for a period for which insured disability benefits are received.

(g) The value, as determined by the board upon recommendation of the actuary, of any workmen's compensation benefits paid or payable to the recipient of an accidental total disability benefit shall be deducted from the amount payable under this section.

(h) The benefit payable under subsection (3) of this section shall be known and referred to as "accidental total disability benefit."

(4) The payment of benefits as provided in this section is subject to the provisions of K.S.A. 74-49,123, and amendments thereto.

Sec. 7. K.S.A. 2015 Supp. 74-4927 is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the effective date of this act, the annual disability benefit amount shall be an amount equal to  $66\frac{2}{3}\%$  of the member's annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) ~~For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member's attainment of age 70 or date of retirement whichever first occurs.~~ The right to receive such long-term disability benefit shall cease; (i) For a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs; and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under ~~subsection (3) of~~ K.S.A. 74-4916(3), and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration which include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, "maximum monthly compensation" means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan. During the period in which such

member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan, or any part thereof, is paid in a lump-sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary for children and families and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with ~~subsection (17) of K.S.A. 74-4902(17)~~, and amendments thereto, except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. ~~Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.~~

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability.

~~Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.~~

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided

by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. ~~For the period commencing July 1, 2013, and ending June 30, 2015, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .85% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. For the period commencing July 1, 2015, and all periods thereafter, Each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer other than the state of Kansas shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on April 1, 2013 2016, and ending on June 30, 2013 2017. Notwithstanding the provisions of this subsection, the state of Kansas shall not appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on March 25, 2016, and ending on June 30, 2017.~~

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of ~~subsection (4) of~~ K.S.A. 74-4920(4), and amendments thereto, shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the

optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 8. K.S.A. 2015 Supp. 74-4986o is hereby amended to read as follows: 74-4986o. (a) For each DROP member, the board shall calculate a monthly DROP accrual. The system shall determine the DROP member's retirement benefit under K.S.A. 74-4958 or 74-4958a, and amendments thereto. In determining the retirement benefit, the system shall use the member's total service credit and final average salary as of the last day of the employer's payroll period immediately prior to the effective date of the member's election to participate in the DROP. Before entering the DROP, a member may elect to have such member's retirement benefit determined under one of the options provided in K.S.A. 74-4964 or 74-4964a, and amendments thereto, in lieu of having it determined in the form stated in K.S.A. 74-4958 or 74-4958a, and amendments thereto, except such member may not elect the lump sum payment option. During the DROP period, an amount equal to the monthly DROP accrual shall be credited to the member's DROP account. The calculation of the monthly DROP accrual will be calculated using the member's age and, if the member elected a joint and survivor option, the age of the beneficiary as of the calendar year which contains the beginning of the DROP period. The monthly DROP accrual shall comply with the requirements of section 401(a)(9) of the federal internal revenue code and treasury regulation § 1.401(a)9-6, Q&A-2(c).

(b) A member shall not receive a monthly retirement benefit, as calculated pursuant to K.S.A. 74-4958 or 74-4958a, and amendments thereto, until termination of such member's DROP participation and commencement of retirement. A DROP member shall not have any claim to any funds in such member's DROP account until such member retires at the termination of such member's DROP participation. Upon terminating DROP participation, a member is entitled to such member's retirement benefit, including any postretirement benefit adjustment for which the member is eligible and any change in the retirement benefit resulting from the recalculation of the member's final average salary as provided in subsection (c).

(c) A member may have such member's final average salary recalculated at the time of retirement to include any payments of the member's accumulated sick and annual leave compensation made at retirement. If the member's recalculated final average salary is higher than the final average salary used in calculating the member's monthly DROP accrual, the retirement benefit shall be based on the recalculated final average salary.

(d) An amount equal to the difference between the member's monthly DROP accrual and the monthly retirement benefit calculated under subsection (c), if any, times the number of months the member participated in the DROP, shall be credited as a lump sum to the member's DROP account at termination of participation and commencement of retirement. No interest shall be credited to such lump sum credit.

(e) If a member who selected a joint and survivor retirement benefit option dies during the DROP period, the joint survivor benefit shall be calculated as provided in subsection (c) and any lump sum credit that would have been payable to the member under subsection (d) shall be applied prior to distribution of the DROP account to the member's beneficiary as provided in K.S.A. 2015 Supp. 74-4986p(b), and amendments thereto.

Sec. 9. K.S.A. 2015 Supp. 74-4986p is hereby amended to read as follows: 74-4986p. (a) A member's participation in the DROP ceases on the occurrence of the earliest of the following:

- (1) Termination of the member's active service with the Kansas highway patrol;
- (2) the last day of the member's elected DROP period that begins on the effective date of the member's election to participate in the DROP;
- (3) retirement due to disability as defined in K.S.A. 74-4952, and amendments thereto; or
- (4) the member's death.

(b) If a member dies before taking a distribution from such member's DROP account, the member's designated beneficiary shall receive a lump-sum payment equal to the member's DROP account balance, including any lump sum credited as provided in K.S.A. 2015 Supp. 74-4986o(d), and amendments thereto. If the DROP member has not named a beneficiary for such member's DROP account, the amount in the DROP account shall be paid to the beneficiary of the member's retirement benefit.

Sec. 10. K.S.A. 2015 Supp. 74-4986q is hereby amended to read as follows: 74-4986q. (a) A member, who satisfies the requirements of this act, shall be entitled to a distribution of such member's DROP account, including any lump sum credited as provided in K.S.A. 2015 Supp. 74-4986o(d), and amendments thereto. Such distribution may be through any combination of the following payout options, each of which is subject to the applicable provisions of the federal internal revenue code and the

applicable regulations of the internal revenue service:

- (1) A direct rollover to an eligible retirement plan; or
- (2) a lump-sum distribution.

(b) The board may specify minimum account balances for purposes of allowing benefit payment options and rollovers in accordance with federal law.

Sec. 11. K.S.A. 2015 Supp. 74-49,313 is hereby amended to read as follows: 74-49,313. (a) Except as provided in subsection (e), a member who has a nonforfeitable interest in the member's retirement annuity account, at any time after termination from service and the attainment of normal retirement age, shall receive an annuity based upon the balance in such member's retirement annuity account, using mortality rates established by the board by official action as of the member's annuity start date and an interest rate equal to the actuarial assumed investment rate of return established by the board minus 2%, as of the member's annuity start date. The legislature may from time to time prospectively change the interest rate and the board may from time to time prospectively change the mortality rates, and the legislature expressly reserves such rights to do so.

(b) Except as provided in subsection (e), a member who has a vested interest in the member's retirement annuity account, who terminates covered employment, without forfeiting such member's account, with the completion of at least 10 years of service, shall be eligible to receive, upon attainment of age 55, an annuity based upon employer credits and interest credits in such member's retirement annuity account, using mortality rates established by the board by official action as of the member's annuity start date and an interest rate established by the legislature as of the member's annuity start date, and such interest rate shall ~~initially be 6% equal to the actuarially assumed investment rate of return established by the board minus 2%, as of the member's annuity start date.~~ The legislature may from time to time prospectively change the interest rate and the board may from time to time prospectively change the mortality rates, and the legislature expressly reserves such rights to do so.

(c) The form of benefit payable under subsections (a) and (b) shall be a single life annuity with 10-year certain. The member may elect any option described in K.S.A. 74-4918, and amendments thereto, except the partial lump-sum option, subject to actuarial factors established by the board from time to time. The benefit option selected may include a self-funded cost-of-living adjustment feature, in which the account value is converted to a benefit amount that increases by a fixed percentage over time. One or more fixed percentages shall be established by the board, which may be changed from time to time. In lieu of a part of an annuity, for a member entitled to a benefit under subsection (a), the member may elect to receive a lump-sum of such member's retirement annuity account of any fixed dollar amount or percent, but in no event may the lump-sum option elected under this section and the lump-sum option elected under ~~subsection (a) of~~ K.S.A. 2015 Supp. 74-49,311(a), and amendments thereto, exceed 30% of the total value of such member's annuity savings account and retirement annuity account.

(d) Except as provided in subsection (e), in the case of an active or inactive member:

- (1) Who is vested in the member's retirement annuity account;
- (2) who has five or more years of service at death; and
- (3) who dies before attaining normal retirement age, with such member's spouse at

time of death designated as such member's sole primary beneficiary, the member's surviving spouse on and after the date the member would have attained normal retirement age had such member not died, shall receive an annuity based upon employer credits and interest credits in the retirement annuity account, using factors established by the board by official action as of the beneficiary's annuity start date. The form of benefit shall be a single life annuity with 10-year certain.

(e) If a member's vested retirement annuity account is less than \$1,000 upon separation from service, or the total of the member's vested retirement annuity account and annuity savings account balance is less than \$1,000, the account balance or balances shall be mandatorily distributed to the member in accordance with section 401(a)(31)(B) of the federal internal revenue code. If the member does not elect to have such distribution paid directly to an eligible retirement plan specified by the participant in a direct rollover or to receive the distribution directly, then the board will pay the distribution to the member directly.

Sec. 12. K.S.A. 2015 Supp. 74-49b10 is hereby amended to read as follows: 74-49b10. (a) The board is authorized to enter into a voluntary participation agreement with any employee of the state whereby a portion of the employee's salary or compensation from the state shall be deferred and deducted each payroll period in accordance with subsection (b) and the Kansas public employees deferred compensation plan. Such participation agreement may require each participant to pay a service charge to defray all or part of any significant costs incurred and to be recovered by the state pursuant to ~~subsection (e) of~~ K.S.A. 2015 Supp. 74-49b09(c), and amendments thereto, as a result of the administration of this act.

(b) Pursuant to this act and such participation agreements, the director of accounts and reports, as a part of the system of regular payroll deductions and using funds either appropriated or otherwise available for such purpose, shall establish a system for the following purposes: (1) To defer each payroll period the amounts authorized in such participation agreements from the salary or compensation of each employee who has entered into a participation agreement; and

(2) to remit these moneys in accordance with the Kansas public employees deferred compensation plan.

(c) (1) Pursuant to section 401(a) of the federal internal revenue code, the board may establish a qualified plan under which the state may contribute a specified amount, subject to appropriations, to the deferred compensation plan for state employees who have entered into a voluntary participation agreement with the board under this section.

(2) Any state agency that has on its payroll persons participating in any qualified plan established under subsection (c)(1), shall pay from any moneys available to the state agency for such purpose an amount specified in the qualified plan, subject to appropriations for that purpose.

(d) The Kansas public employees deferred compensation plan shall exist and be in addition to, and shall not be a part of any retirement or pension system for employees. The state shall not be responsible for any loss incurred by any participant under the Kansas public employees deferred compensation plan established and approved pursuant to this act.

(e) Notwithstanding the provisions of K.S.A. 74-4909(10), and amendments thereto, for those employees who entered into a voluntary participation agreement pursuant to the provisions of this section or K.S.A. 2015 Supp. 74-49b15, and

amendments thereto, and who are also members of a retirement system administered by the board, the board may share information from the participants' retirement or pension system accounts with a contracting party pursuant to the provisions of K.S.A. 2015 Supp. 74-49b09, and amendments thereto, for the purpose of facilitating the participants' comprehensive retirement income planning.

(f) Any amount of the employee's salary or compensation that is deferred on a pre-tax basis under such an authorized participation agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by any such employee, but, Any sum so deferred or deducted shall not be subject to any state or local income taxes for the year in which such sum is earned contributed but shall be subject to applicable state and local income taxes for the year in which such sum is distributed. Any amounts contributed to a Roth 457 plan under this act shall be subject to state withholding and income taxes for the year in which such sum is contributed to the plan, but shall not be subject to applicable state income taxes for the year in which distributions are received by the employee, unless the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, provide otherwise.

(f)-(g) A deferred compensation clearing fund shall be established in the state treasury in which all compensation deferred, deducted or contributed in accordance with this act and as provided for in each participation agreement shall be temporarily placed.

Sec. 13. K.S.A. 2015 Supp. 74-49b14 is hereby amended to read as follows: 74-49b14. (a) The board may enter into an agreement with any local government of the state of Kansas making the services under contracts entered into by the board under ~~subsection (b)~~ of K.S.A. 2015 Supp. 74-49b09(b), and amendments thereto, available to the local government, subject to the terms and conditions of those contracts and the agreement entered into between the board and the local governmental unit, if the local governmental unit meets all of the following conditions: (1) The local governmental unit meets the definition of eligible employer as defined in K.S.A. 74-4902, and amendments thereto;

(2) the governing body of the local governmental unit has enacted an ordinance or resolution adopting the terms of the deferred compensation plan for state employees established under K.S.A. 2015 Supp. 74-49b09, and amendments thereto, as the local government deferred compensation plan for the employees of that local governmental unit; and

(3) the governing body certified that the local governmental unit will make such local government deferred compensation plan available to its employees and will administer it in accordance with the provisions of this act, section 457 of the federal internal revenue code of 1986, and amendments thereto, and the deferred compensation plan established by the board under K.S.A. 2015 Supp. 74-49b09, and amendments thereto.

(b) Pursuant to section 401(a) of the federal internal revenue code, and subject to the provisions of K.S.A. 2015 Supp. 74-49b10, and amendments thereto, the board may establish a qualified plan under which local governmental units participating in the deferred compensation plan may contribute a specified amount to such plan.

(c) Except for such agreement, the board or any other state officer or employee shall not be involved nor incur any expense in the administration of a plan adopted by a

local governmental unit under subsection (a) or (b), except to the extent that such costs are reimbursed under one or both of the methods identified in ~~subsection (c)~~ of K.S.A. 2015 Supp. 74-49b09(c), and amendments thereto.

~~(c)~~(d) The state shall not be responsible for any loss incurred by or obligation of any local governmental unit participant under a local government deferred compensation plan established as provided pursuant to subsection (a) or (b).

Sec. 14. K.S.A. 2015 Supp. 74-49b15 is hereby amended to read as follows: 74-49b15. (a) Subject to the agreement entered into under the provisions of K.S.A. 2015 Supp. 74-49b14, and amendments thereto, the governing body of a local government unit may establish such conditions as the governing body deems advisable to govern the voluntary participation of its employees in the local government deferred compensation plan established by the local governmental unit under the provisions of K.S.A. 2015 Supp. 74-49b14, and amendments thereto.

(b) Any amount of an employee's salary or compensation that is deferred on a pre-tax basis under such plan an authorized participation agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by such employee, ~~but~~. Any sum so deferred or deducted shall not be subject to ~~any state or local~~ income tax for the year in which such sum is ~~earned~~ contributed but shall be subject to applicable state ~~and local~~ income taxes for the year in which ~~such sum is~~ distributions are received by the employee. Any amounts contributed to a Roth 457 plan under this act shall be subject to state withholding and income taxes for the year in which such sum is contributed to the plan, but shall not be subject to applicable state income taxes for the year in which distributions are received by the employee, unless the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, provide otherwise.;

And by renumbering sections accordingly;

Also on page 18, in line 11, following "K.S.A." by inserting "74-4916 and"; also in line 11, following "74-4914," by inserting "74-4927,"; in line 12, by striking "and" and inserting a comma; also in line 12, following "74-4957" by inserting ", 74-4986o, 74-4986p, 74-4986q, 74-49,313, 74-49b10, 74-49b14 and 74-49b15";

On page 1, in the title, in line 10, before "amending" by inserting " Kansas deferred retirement option program act; final average salary; distribution of DROP account; death and long-term disability benefits; employer payments to group insurance reserve fund; Kansas public employees retirement system act of 2015; accidental death benefit; annuity interest rate; Kansas public employees deferred compensation act; sharing of account information; tax treatment; local governmental unit plan option;" also in line 10, following "K.S.A." by inserting "74-4916 and"; in line 11, following the comma, by inserting "74-4927,"; also in line 11, by striking "and" and inserting a comma; also in line 11, following "74-4957" by inserting ", 74-4986o, 74-4986p, 74-4986q, 74-49,313, 74-49b10, 74-49b14 and 74-49b15";

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

STEVEN JOHNSON  
KENT THOMPSON  
ED TRIMMER

*Conferees on part of House*

JEFF KING  
 GREG SMITH  
 ANTHONY HENSLEY  
*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **H Sub SB 168**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Lynn, Melcher, O'Donnell, Pilcher-Cook.

The Conference Committee Report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 227** 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. 227, as follows:

On page 1, by striking all in lines 7 through 29;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 34 and inserting:

"Section 1. The intent of this act is to provide a mechanism to allow real property with environmental contamination to be purchased without the purchaser becoming liable for cleanup costs. This act establishes the contaminated property redevelopment fund to help municipalities redevelop contaminated and potentially contaminated properties. This act shall be known and may be cited as the contaminated property redevelopment act.

Sec. 2. As used in this act:

(a) "Certificate of environmental liability release" or "CELR" means a certificate issued by the department that releases the purchaser from environmental liability for contamination existing at the time of issuance of the CELR on a property from actions taken by the bureau of environmental remediation under K.S.A. 65-159, 65-161 through 65-171z, 65-3401 et seq., 65-3430 et seq. and 65-3452a et seq., and amendments thereto.

(b) "Department" means the Kansas department of health and environment.

(c) "Owner" means any owner of record of property or authorized representative.

(d) "Person" means any individual, trust, firm, joint stock company, public or private corporation, limited liability company or partnership; the federal government or any agency or instrumentality thereof; any state, or any agency, instrumentality or political or taxing subdivision thereof; or any interstate body.

(e) "Property" means real property.

(f) "Purchaser" means any person who is acquiring property through purchase,

foreclosure or default. For purposes of this act, "purchaser" does not include the federal government or a person who acquires property through gifts, bequests or inheritance.

(g) "Secretary" means the secretary of health and environment.

(h) "Site" means all areas and media to which environmental contamination or pollution has been released, transported or migrated.

Sec. 3. (a) A property shall be eligible for a CELR from the department if the purchaser submits a complete application to the department and the department finds that:

(1) The property is contaminated, not including contamination resulting from radon, lead-based paint or asbestos;

(2) the purchaser is not the party responsible for the contamination;

(3) the property is:

(A) Not currently owned by the purchaser;

(B) currently owned by the purchaser and was acquired through seizure, condemnation, foreclosure or default; or

(C) currently owned by the purchaser and the purchaser is the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof; or any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof;

(4) if the purchaser is a current owner, the purchaser could not have reasonably foreseen the threat of contamination and failed to take reasonable steps to prevent the contamination;

(5) there is no direct or indirect familial relationship or any contractual, corporate or financial relationship between the purchaser and the owner or the party responsible for the contamination, other than that by which such purchaser's interest in the property was conveyed or financed; and

(6) the property is not ineligible for a CELR pursuant to the provisions of section 4, and amendments thereto, and the purchaser has met the conditions required by section 4, and amendments thereto.

(b) It shall be the sole responsibility of the purchaser to provide the needed documentation to the department for the department to make an eligibility determination. These documents shall include:

(1) Phase I or Phase II environmental reports that are completed within industry standards;

(2) environmental assessment reports that are completed within industry standards; or

(3) other reports that will expedite the department's determination requested by the department.

(c) In making eligibility determinations, the department shall have authority to consider such additional factors as deemed relevant by the department, including the current and potential future use of the property.

(d) The department shall make a determination of eligibility or noneligibility within 15 business days of receiving the application and all required information.

(e) Only property acquired after July 1, 2016, shall be eligible for a CELR.

Sec. 4. (a) In addition to the findings required for a determination of eligibility by the department pursuant to section 3, and amendments thereto, the department shall

only grant a CELR upon the following conditions:

(1) The department determines that the purchaser has not caused or exacerbated and will not exacerbate the contamination on the property;

(2) the purchaser agrees to disclose the CELR to subsequent purchasers until the property can be used for unrestricted use;

(3) the purchaser agrees to reasonable access for future environmental investigation and remediation by the department or other party performing investigation and remediation under the oversight of the department; and

(4) the purchaser agrees to provide the department notification within 30 days of any transfer or sale of property that is subject to a CELR.

(b) Property shall not be eligible for a CELR if:

(1) The contamination on the property is subject to regulation under the nuclear energy development and radiation control act, K.S.A. 48-1601 et seq., and amendments thereto;

(2) the property is the source of the contamination and it is eligible for cleanup under the Kansas storage tank act, K.S.A. 65-34,100 et seq., or the Kansas drycleaner environmental response act, K.S.A. 65-34,141 et seq., and amendments thereto, unless the site has been enrolled into the appropriate cleanup program under such acts as applicable;

(3) the property is the source of the contamination and it is listed or proposed for listing on the national priorities list of superfund sites established under the comprehensive environmental response, compensation and liability act (CERCLA) (42 U.S.C.A. § 9601 et seq.);

(4) the purchaser has entered into or is the subject of one or more contracts, agreements or orders with the intended purpose of performing investigation or remediation of contamination at the property; or

(5) the purchaser has provided indemnification or release of environmental liability to any other party regarding contamination at the property.

(c) A CELR does not relieve the holder of requirements or duties of an applicable environmental use control agreement or risk management plan.

Sec. 5. The purchaser shall submit payment to the department of a fee with the CELR application. The fee for the CELR shall be determined by the department by rules and regulations, but shall not exceed \$2,000 and shall be based on the size and complexity of the site and property as determined by the department. If a CELR is not issued by the department, a refund shall be issued to the purchaser less the amount expended by the department to review and process the application.

Sec. 6. (a) A person may submit a request to the department for approval to modify a CELR. The department shall approve or deny the request within 30 business days after the department's receipt of the request. If the department denies the request, justification shall be provided with a written explanation of the denial. A denial by the department may include as a justification for denial that the person has not provided the necessary documentation to justify the modification as determined by the department.

(b) A CELR is not transferable.

(c) The department shall not acquire any liability by virtue of this act.

Sec. 7. (a) If the department determines that fraudulent information was provided by the purchaser to the department for the purpose of obtaining a CELR, the secretary may take such actions as necessary to protect human health or the environment and may

take actions including, but not limited to:

(1) Issuing an order directing the purchaser to take any emergency action necessary to protect human health and the environment;

(2) issuing an order revoking the CELR;

(3) issuing an order that will require the purchaser to implement a cleanup of the site to a standard that will allow for unrestricted use; or

(4) assessing an administrative penalty of up to \$500 per day starting from the date of the application to the date the department determined false information was provided by the purchaser.

(b) Failure by a CELR recipient to grant reasonable access as required by this act or failure to otherwise comply with this act shall result in revocation of the CELR by the department.

(c) If an owner who has received a CELR exacerbates the contamination or interferes with a department-approved remedy on the property, the department shall revoke the CELR.

(d) If an owner who has received a CELR acquires liability for the contamination through contract, law or other mechanism, the CELR shall be null and void.

Sec. 8. (a) There is established in the state treasury the contaminated property redevelopment fund, which shall be administered by the secretary. Moneys collected by the secretary from the following sources shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury to the credit of the fund:

(1) Fees for CELR applications;

(2) the federal brownfields program;

(3) gifts, grants, reimbursements or appropriations from any source intended to be used for purposes of the fund;

(4) interest attributable to the investment of moneys in the fund;

(5) penalties collected pursuant to this act; and

(6) repayment of any brownfields loan, including interest and fees.

(b) Expenditures from the contaminated property redevelopment fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee for the following purposes:

(1) Review and approval of CELR applications;

(2) oversight and modifications of completed CELRs;

(3) development, operation and maintenance of the CELR tracking system;

(4) loans to municipalities for assessment and cleanup actions at brownfields redevelopment projects;

(5) grants to municipalities for assessment and cleanup actions at brownfields redevelopment projects; and

(6) administration and enforcement of the provisions of this act.

(c) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the contaminated property redevelopment fund interest earnings based on:

(1) The average daily balance of moneys in the contaminated property redevelopment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding

month.

Sec. 9. The secretary may adopt rules and regulations necessary to implement the provisions of this act.

Sec. 10. Any person adversely affected by any order or decision of the secretary under this act may, within 15 days of service of the order or decision, request a hearing in writing. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "economic development of environmentally contaminated property; relating to liability for cleanup costs; enacting the contaminated property redevelopment act";

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

SHARON SCHWARTZ

SUE BOLDRA

JOHN WILSON

*Conferees on part of House*

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Powell moved the Senate adopt the Conference Committee Report on **H Sub SB 227**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 323** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 17, by striking "two hours" and inserting "one hour";

By striking pages 2 through 10;

On page 11, by striking lines 1 through 27 and inserting:

"New Sec. 2. (a) There is hereby established a language assessment program to be coordinated by the Kansas commission for the deaf and hard of hearing. The purpose of the program is to assess, monitor and track the language developmental milestones of children who are deaf or hard of hearing from birth through the age of eight. The

recognized languages used in the education of children who are deaf and hard of hearing are English and American sign language. The scope of the program includes children who may use one or more communication modes in American sign language, English literacy and, if applicable, spoken English and visual supplements.

(b) On and after July 1, 2018, an annual language assessment shall be given to each child who is deaf or hard of hearing and who is less than nine years of age. Language assessments shall be provided either through early intervention services administered by the Kansas department of health and environment, or if the child is three years of age or older, through the school district in which the child is enrolled. Such language assessments shall be provided in accordance with the provisions of this section and any recommendations adopted pursuant to this section.

(c) There is hereby established within KCDHH an advisory committee on the language assessment program. The advisory committee shall consist of 16 members as follows:

(1) Nine members of the advisory committee shall be appointed by the governor as follows:

(A) One member shall be a credentialed teacher of the deaf who uses both ASL and English during instruction;

(B) one member shall be a credentialed teacher of the deaf who uses spoken English with or without visual supplements during instruction;

(C) one member shall be a credentialed teacher of the deaf who has expertise in curriculum development and instruction of ASL and English;

(D) one member shall be a credentialed teacher of the deaf who has expertise in assessing language development in both ASL and English;

(E) one member shall be a speech language pathologist who has experience working with children from birth through the age of eight;

(F) one member shall be a professional with a linguistic background who conducts research on language outcomes of children who are deaf or hard of hearing and use ASL and English;

(G) one member shall be a parent of a child who is deaf or hard of hearing and who uses both ASL and English;

(H) one member shall be a parent of a child who is deaf or hard of hearing and who uses spoken English with or without visual supplements; and

(I) one member who is knowledgeable about teaching and using both ASL and English in the education of children who are deaf and hard of hearing; and

(2) seven members of the advisory committee shall be ex officio members as follows:

(A) One member shall be the executive director of KCDHH;

(B) one member shall be the coordinator of the sound start program, or such coordinator's designee;

(C) one member shall be the KCDHH commission member representing the state school for the deaf, or such commission member's designee;

(D) one member shall be the KCDHH commission member representing the department of health and environment, or such commission member's designee;

(E) one member shall be the KCDHH commission member representing the state board of education, or such commission member's designee;

(F) one member shall be the coordinator of the early intervention program administered by the department of health and environment, or such coordinator's designee; and

(G) one member shall be the coordinator of the early education program administered by the department of education, or such coordinator's designee.

(d) The executive director of KCDHH shall call an organizational meeting of the advisory committee on or before August 1, 2016. At such organizational meeting, the members shall elect a chairperson and vice-chairperson from the membership of the advisory committee. The advisory committee may meet at any time and at any place within the state on the call of the chairperson. A quorum of the advisory committee shall be nine members. All actions of the advisory committee shall be by motion adopted by a majority of those members present when there is a quorum. Any vacancy on the committee shall be filled in accordance with subsection (c).

(e) On or before January 31, 2018, the advisory committee shall develop specific action plans and make recommendations necessary to fully implement the language assessment program. In carrying out its charge under this section, the committee shall:

(1) Collaborate with the coordinating council on early childhood developmental services and the Kansas state special education advisory council;

(2) solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;

(3) review, recommend and monitor the use of existing and available language assessments for children who are deaf or hard of hearing;

(4) identify and recommend qualifications of language professionals with knowledge of the use of evidence-based, best practices in English and American sign language who can be available to advocate at IFSP or IEP team meetings;

(5) identify qualifications of language assessment evaluators with knowledge on the use of evidence-based, best practices with children who are deaf or hard of hearing and the resources for locating such evaluators; and

(6) identify procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used and progress of the child to the parent or legal guardian of such child, teachers and other professionals involved in the early intervention and education of such child.

(f) The specific action plans and recommendations developed by the advisory committee shall include, but are not limited to, the following:

(1) Language assessments that include data collection and timely tracking of the child's development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

(2) language assessments conducted in accordance with standardized norms and timelines in order to monitor and track language developmental milestones in receptive, expressive, social and pragmatic language acquisition and developmental stages to show progress in American sign language literacy, English literacy, or both, for all children who are deaf or hard of hearing from birth through the age of eight;

(3) language assessments delivered in the child's mode of communication and which have been validated for the specific purposes for which each assessment is used, and appropriately normed;

(4) language assessments administered by individuals who are proficient in ASL for ASL assessments and English for English assessments;

(5) use of assessment results, in addition to the assessment required by federal law, for guidance on the language developmental discussions by IFSP and IEP teams when assessing the child's progress in language development;

(6) reporting of assessment results to the parents or legal guardian of the child and the applicable agency;

(7) reporting of assessment results on an aggregated basis to the committees on education of the house of representatives and the senate; and

(8) reporting of assessment results to the members of the child's IFSP or IEP team, which may be used, in addition to the assessment required by federal law, by the child's IFSP or IEP team, as applicable, to track the child's progress, and to establish or modify the IFSP or IEP.

(g) The state department of education, the department of health and environment and the state school for the deaf shall enter into interagency agreements with KCDHH to share statewide aggregate data.

(h) On or before January 31, 2019, and each January 31 thereafter, KCDHH shall publish a report that is specific to language and literacy developmental milestones of children who are deaf or hard of hearing for each age from birth through the age of eight, including those who are deaf or hard of hearing and have other disabilities, relative to such children's peers who are not deaf or hard of hearing. Such report shall be based on existing data reported in compliance with the federally required state performance plan on pupils with disabilities. KCDHH shall publish the report on its website.

(i) The advisory committee shall cease to exist from and after July 1, 2018.

(j) As used in this section:

(1) "ASL" means American sign language.

(2) "English" means English literacy, spoken English, signing exact English and morphemic system of signs, CASE, cued speech and any other visual supplements.

(3) "IEP" means individualized education program.

(4) "IFSP" means individualized family service plan.

(5) "KCDHH" means the Kansas commission for the deaf and hard of hearing.

(6) "Language" means a complex and dynamic system of conventional symbols that is used in various modes for thought and communication.

(7) "Literacy" includes the developmental stages of literacy, including pre-emergent, emergent and novice levels, as necessary beginning stages to master a language.

Sec. 3. K.S.A. 2015 Supp. 75-2319 is hereby amended to read as follows: 75-2319.

(a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) ~~Subject to the provisions of subsection (f),~~ In each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2015 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, ~~but prior to July 1, 2017~~, the state board of education shall:

(A) Determine the amount of the AVPP of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 2015 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for

issuance at an election held on or after July 1, 2015, ~~but prior to July 1, 2017~~; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(4) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

(A) The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

(B) (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

(C) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(5) prior to an election to approve the issuance of general obligation bonds.

(5) The sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b),

and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) On or before the first day of the legislative session in 2017, and each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(4)(C).

Sec. 4. K.S.A. 2015 Supp. 75-2319 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5; in line 6 by striking all before the period and inserting "education; relating to capital improvement state aid; creating a language assessment program for children who are deaf or hard of hearing; creating the Jason Flatt act; requiring suicide prevention training for school district personnel; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section";

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

RONALD HIGHLAND

JERRY LUNN

VALDENIA WINN

*Conferees on part of House*

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

Senator Abrams moved the Senate adopt the Conference Committee Report on **Sub SB 323**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 337** 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. 337, on page 1, following line 5, by inserting:

"New Section 1. To further implement the provisions of the groundwater management district act, if the secretary of agriculture or the chief engineer of the division of water resources of the Kansas department of agriculture propose rules and regulations that may change an adopted local groundwater management program or impact water use in a groundwater management district, the secretary or chief engineer shall notify the groundwater management district board of directors of such requested management program change or proposed rules and regulations and provide a copy of such requested management program change or proposed rules and regulations to the board. Upon such notice, the board of directors shall prepare a response of intended board actions. The board of directors shall follow the provisions of K.S.A. 82a-1029, and amendments thereto, for revising active groundwater management programs.

New Sec. 2. (a) The division of water resources of the Kansas department of agriculture shall post all complete applications and all orders issued by the division pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, on its official website.

(b) The division, in conjunction with the groundwater management district within which such water right is situated, shall notify all water right owners with a point of diversion within half a mile, or further if deemed necessary by a rule and regulation of the chief engineer, of a water right pending request or application pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, except for change applications requesting a point of diversion move 300 feet or less from the currently authorized location.

Sec. 3. K.S.A. 2015 Supp. 74-506d is hereby amended to read as follows: 74-506d. The secretary of agriculture is hereby authorized to employ a chief engineer of the division of water resources and such expert assistants, clerical and other help as may be necessary to properly carry out the provisions of this act, and to fix their compensation; ~~all of whom.~~ The chief engineer shall be under the classified service of the Kansas civil service act, but any vacant position of such expert assistants, clerical and other help necessary to carry out the provisions of this act may be converted by the secretary of agriculture to an unclassified position.

Sec. 4. K.S.A. 2015 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the

classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- (a) Chosen by election or appointment to fill an elective office;
- (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
- (c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
- (d) all employees in the office of the governor;
- (e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
- (f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;
- (g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;
- (h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;
- (i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;
- (j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified

or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

- (k) all employees of courts;
- (l) client, patient and inmate help in any state facility or institution;
- (m) all attorneys for boards, commissions and departments;
- (n) the secretary and assistant secretary of the Kansas state historical society;
- (o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the Kansas department for aging and disability services;
- (p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;
- (q) student employees enrolled in public institutions of higher learning;
- (r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;
- (s) all officers and employees in the office of the secretary of state;
- (t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;
- (u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
- (v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
- (w) one public information officer and one chief attorney for the following: The department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;
- (x) if designated by the appointing authority, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, in any state agency;
- (y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
- (z) specifically designated by law as being in the unclassified service;
- (aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the

classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency;

(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2015 Supp. 76-715a, and amendments thereto; and

(cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-2878, 65-6103, 73-1210a, 73-1234, ~~74-506d~~, 74-515b, 74-561, 74-569, 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 2015 Supp. 39-1911, and amendments thereto, any vacant position within the classified service may be converted by the appointing authority to an unclassified position.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

(5) On and after the effective date of this act, any state agency that has positions in the classified service within the Kansas civil service act to satisfy any requirement of maintaining personnel standards on a merit basis pursuant to federal law or the rules and regulations promulgated thereunder by the federal government or any agency thereof, shall adopt a binding statement of agency policy pursuant to K.S.A. 77-415, and amendments thereto, to satisfy such requirements if the appointing authority has made any such position unclassified.";

Also on page 1, in line 30, after "telemetry" by inserting "for the purpose of documentation";

On page 2, in line 3, after "Supp." by inserting "74-506d, 75-2935 and"; also in line 3, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "relating to the division of water resources; chief engineer;"; also in line 2, after "Supp." by inserting "74-506d, 75-2935 and"; in line 3, by striking "section" and inserting "sections";

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

SHARON SCHWARTZ

SUE BOLDRA

JOHN WILSON

*Conferees on part of House*

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Powell moved the Senate adopt the Conference Committee Report on **H Sub SB 337**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 388** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 5 through 34;

By striking all on page 2, and inserting:

"Section 1. K.S.A. 2015 Supp. 32-1047 is hereby amended to read as follows: 32-1047. (a) ~~Subject to the provisions in subsection (b);~~ The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department ~~is hereby authorized to shall~~:

(1) Offer the seized item, if the item is unlawfully taken wildlife parts, to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

(A) The wildlife parts are no longer needed as evidence;

(B) the location of the violation can be positively ascertained;  
 (C) there is no dispute between landowners or tenants as to who may receive the wildlife parts; and

(D) the landowner or tenant did not commit the violation for which the wildlife parts were seized; and

~~(E) the wildlife parts are transferred within two years of adjudication of the violation;~~

(2) The provisions of subsection (a)(1) are construed to be and shall be applied retroactively as they relate to antlers, antler sheds and horns seized by the department after January 1, 2005, and in the care, custody, control, management or possession of the department as of January 1, 2015, when the landowner or tenant whose property on which the antlers, antler sheds or horns were unlawfully taken, requests such wildlife parts to be returned to such landowner or tenant. This subsection shall apply to antlers, antler sheds and horns in the possession of the department or in the possession of some other entity pursuant to an agreement with the department.

(b) If the seized item is not unlawfully taken wildlife or is unlawfully taken wildlife that is not disposed of as described in subsection (a), the department is hereby authorized to:

~~(2)~~(1) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and amendments thereto, then it may be sold unless: ~~(A)~~(A) The firearm is significantly altered in any manner; or ~~(B)~~ the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund;

~~(2)~~(2) retain the seized item for educational, scientific or department operational purposes; or

~~(3)~~(3) destroy the seized item.

~~(b) The department shall give priority to disposing of unlawfully taken wildlife items in accordance with the process provided for in subsection (a)(1):~~

Sec. 2. K.S.A. 2015 Supp. 32-1047 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "wildlife; relating to seizure of wildlife; disposal; amending K.S.A. 2015 Supp. 32-1047 and repealing the existing section";

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

SHARON SCHWARTZ

SUE BOLDRÁ

JOHN WILSON

*Conferees on part of House*

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

The motion of Senator Abrams to adopt the conference committee report on **SB 388** failed.

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Hensley, King, LaTurner, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Tyson, Wilborn.

Nays: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kelly, Kerschen, Knox, Longbine, Love, Lynn, McGinn, Pettey, V. Schmidt, Smith, Wagle, Wolf.

The Conference Committee Report was not adopted

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2056** 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 6, in line 17, by striking all before "that" and inserting "organized under the laws of the state of Kansas";

On page 9, following line 10, by inserting:

"(5) A person operating as a sufficient surety or bail bondsman in the state immediately prior to the effective date of this act shall be deemed to be compensated surety under this act and shall be exempt from the continuing education requirements for a conditional authorization pursuant to this section until July 1, 2017.";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
BLAINE FINCH  
DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **S Sub HB 2056**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2163** 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 5 through 17 and inserting:

"Section 1. The board of county commissioners of any county may order an audit of any fire district located within the county created under article 15 of chapter 80 or article 36 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto. The township or townships which comprise the fire district shall be responsible for payment of the cost of the audit.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "audits of certain fire districts";

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

DENNIS PYLE

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

*Conferees on part of House*

Senator Fitzgerald moved the Senate adopt the Conference Committee Report on **HB 2163**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2460** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2, and inserting:

"New Section 1. (a) Within the limits of available resources, the attorney general may assist victims of identity theft, identity fraud and related crimes and violations in

obtaining refunds in relation to fraudulent or unauthorized charges or debits, canceling fraudulent accounts, correcting false information in consumer reports caused by identity theft or identity fraud, correcting false information in personnel files and court records, obtaining security freezes, completing identity theft affidavits, filing complaints and related matters.

(b) This section shall be part of and supplemental to the Kansas consumer protection act.

New Sec. 2. (a) As used in this section:

(1) "Holder of personal information" or "holder" means a person who, in the ordinary course of business, collects, maintains or possesses, or causes to be collected, maintained or possessed, the personal information of any other person.

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

(3) "Personal information" means personal information as defined by K.S.A. 50-7a01(g), and amendments thereto, and any other information which identifies an individual for which an information security obligation is imposed by federal or state statute or regulation.

(4) "Record" has the meaning provided by K.S.A. 84-1-201, and amendments thereto.

(b) A holder of personal information shall:

(1) Implement and maintain reasonable procedures and practices appropriate to the nature of the information, and exercise reasonable care to protect the personal information from unauthorized access, use, modification or disclosure. If federal or state law or regulation governs the procedures and practices of the holder of personal information for such protection of personal information, then compliance with such federal or state law or regulation shall be deemed compliance with this paragraph and failure to comply with such federal or state law or regulation shall be prima facie evidence of a violation of this paragraph; and

(2) unless otherwise required by federal law or regulation, take reasonable steps to destroy or arrange for the destruction of any records within such holder's custody or control containing any person's personal information when such holder no longer intends to maintain or possess such records. Such destruction shall be by shredding, erasing or otherwise modifying the personal identifying information in the records to make it unreadable or undecipherable through any means.

(c) A holder of personal information shall have an affirmative defense to a violation of subsection (b)(2) if such holder proves by clear and convincing evidence that:

(1) The violation resulted from a failure of the method of destruction of records to make personal information contained in such records unreadable or undecipherable through any means, and such failure could not reasonably have been foreseen despite the holder's exercise of reasonable care in selecting and employing a method of destruction; or

(2) the holder of personal information had in effect at the time of the violation a bona fide written or electronic records management policy, including practices and procedures reasonably designed, maintained, and expected to prevent a violation of subsection (b)(2), and that the records involved in the violation of subsection (b)(2) were destroyed or disposed of in violation of such policy. No affirmative defense under

this paragraph shall be available unless such holder proves:

(A) The employees or other persons involved in the violation received training in the holder's written or electronic records management policy;

(B) the violation resulted from a good faith error; and

(C) no reasonable likelihood exists that the violation may cause, enable or contribute to identity theft or identity fraud as defined by K.S.A. 2015 Supp. 21-6107, and amendments thereto, or to a violation of an information security obligation imposed by federal or state statute or regulation.

(d) Each violation of this section shall be an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto. Each record that is not destroyed in compliance with subsection (b)(2) shall constitute a separate unconscionable act within the meaning of K.S.A. 50-627, and amendments thereto.

(e) Notwithstanding any other provision of law to the contrary, the exclusive authority to bring an action for any violation of this section shall be with the attorney general. Nothing in this section shall be construed to create or permit a private cause of action for any violation of this section.

(f) Nothing in this section relieves a holder of personal information from any duty to comply with other requirements of state and federal law regarding the protection of such information.

(g) This section shall be part of and supplemental to the Kansas consumer protection act.

Sec. 3. K.S.A. 2015 Supp. 50-6,139 is hereby amended to read as follows: 50-6,139. (a) The conduct prohibited by K.S.A. 2015 Supp. 21-6107, and amendments thereto, constitutes an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto, and any person who engages in such conduct shall be subject to the remedies and penalties provided by the Kansas consumer protection act.

(b) For the purposes of the remedies and penalties provided by the Kansas consumer protection act:

(1) The person committing the conduct prohibited by K.S.A. 2015 Supp. 21-6107, and amendments thereto, shall be deemed the supplier, and the person who is the victim of such conduct shall be deemed the consumer; and

(2) proof of a consumer transaction shall not be required.

(c) This section shall be part of and supplemental to the Kansas consumer protection act ~~and~~.

~~(d) The provisions of this section and sections 1 and 2, and amendments thereto, shall be known and may be cited as the Wayne Owen law act.~~

New Sec. 4. (a) Violation of a consumer protection order is engaging in a door-to-door sale while prohibited from door-to-door sales.

(b) Violation of a consumer protection order is a severity level 9, person felony.

(c) As used in this section:

(1) "Door-to-door sale" has the meaning provided by K.S.A. 50-640, and amendments thereto.

(2) "Engaging in" means participating, directly or indirectly, in the prohibited conduct or causing, directing, employing, enabling or assisting others to participate in such conduct.

(3) "Prohibited from door-to-door sales" means subject to any temporary or permanent order or judgment of a court entered under authority of the Kansas consumer

protection act, K.S.A. 50-623 et seq., and amendments thereto, or any act that is part of or supplemental to the consumer protection act, and that restrains, enjoins or otherwise prohibits the person from engaging in door-to-door sales in this state or any portion thereof. For purposes of this section, an order or judgment restrains, enjoins or otherwise prohibits the person from engaging in door-to-door sales in this state or any portion thereof if such order or judgment:

(A) Expressly prohibits the person from engaging in door-to-door sales;

(B) prohibits conduct that includes, but is not limited to, engaging in door-to-door sales, such as prohibiting the person from engaging in consumer transactions as defined by K.S.A. 50-624, and amendments thereto; or

(C) prohibits engaging in only a particular type of door-to-door sale, such as the door-to-door sale of roofing-related services within the meaning of K.S.A. 2015 Supp. 50-6,122, and amendments thereto, or prohibits engaging in door-to-door sales only in a particular place. In such case, criminal liability under this section shall arise only if the person engaged in the particular type of door-to-door sale that is restrained, enjoined or otherwise prohibited or engaged in a door-to-door sale in the particular place where such sale is restrained, enjoined or otherwise prohibited.

(d) A person shall be subject to criminal liability under this section only if the state proves beyond a reasonable doubt that such person had actual or constructive notice of the temporary or permanent order or judgment described in subsection (b)(3).

(1) A person has actual notice of the existence of a temporary or permanent order or judgment if:

(A) Such order or judgment was actually served on such person in any manner authorized by the code of civil procedure or the Kansas consumer protection act, other than K.S.A. 60-307, and amendments thereto, at any time prior to the violation of this section, regardless of when such order or judgment was issued; or

(B) such person otherwise had actual knowledge of such order or judgment.

(2) A person has constructive notice of the existence of a temporary or permanent order or judgment if, on or after July 1, 2016:

(A) The petition or subpoena that resulted in issuance of such order or judgment was actually served on such person in any manner authorized by the code of civil procedure or the Kansas consumer protection act, other than K.S.A. 60-307, and amendments thereto;

(B) the petition or subpoena contained, or was accompanied by, notice that failure to answer the petition or comply with the subpoena could result in such person being prohibited from door-to-door sales should a judgment be issued, and that a violation of the judgment could constitute an additional crime;

(C) actual service of such order or judgment on such person was attempted, but was refused or left unclaimed; and

(D) such order or judgment is posted conspicuously on an official and publicly available website of the office of the attorney general, whether or not such order or judgment was actually served on such person. Compliance with this paragraph shall create a rebuttable presumption that such person had knowledge of the existence of such order or judgment, but such presumption may be rebutted by showing, through a preponderance of evidence, that such person neither knew nor should have known of the existence of such order or judgment.

(e) The criminal liability imposed by this section shall not relieve any person of civil liability for violating a consumer protection order, and any criminal penalties authorized by law may be imposed in addition to any civil sanctions or liability authorized by law.

(f) The attorney general, or county attorney or district attorney, or both, may institute criminal action to prosecute this offense.

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

(h) If any provision or provisions of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or provisions or application, and to this end the provisions of this section are severable.

New Sec. 5. The attorney general may post conspicuously on an official and publicly available website of the office of the attorney general any judgment or order that restrains, enjoins or otherwise prohibits a person from engaging in door-to-door sales, as defined in section 4(c), and amendments thereto.

Sec. 6. K.S.A. 2015 Supp. 60-4104 is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

- (a) All offenses which statutorily and specifically authorize forfeiture;
- (b) violations involving controlled substances, as described in K.S.A. 2015 Supp. 21-5701 through 21-5717, and amendments thereto;
- (c) theft, as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto;
- (d) criminal discharge of a firearm, as defined in ~~subsections (a)(1) and (a)(2) of~~ K.S.A. 2015 Supp. 21-6308(a)(1) and (a)(2), and amendments thereto;
- (e) gambling, as defined in K.S.A. 2015 Supp. 21-6404, and amendments thereto, and commercial gambling, as defined in ~~subsection (a)(1) of~~ K.S.A. 2015 Supp. 21-6406(a)(1), and amendments thereto;
- (f) counterfeiting, as defined in K.S.A. 2015 Supp. 21-5825, and amendments thereto;
- (g) unlawful possession or use of a scanning device or reencoder, as described in K.S.A. 2015 Supp. 21-6108, and amendments thereto;
- (h) medicaid fraud, as described in K.S.A. 2015 Supp. 21-5925 through 21-5934, and amendments thereto;
- (i) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;
- (j) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;
- (k) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;
- (l) terrorism, as defined in K.S.A. 2015 Supp. 21-5421, and amendments thereto, illegal use of weapons of mass destruction, as defined in K.S.A. 2015 Supp. 21-5422, and amendments thereto, and furtherance of terrorism or illegal use of weapons of mass destruction, as described in K.S.A. 2015 Supp. 21-5423, and amendments thereto;
- (m) unlawful conduct of dog fighting and unlawful possession of dog fighting

paraphernalia, as defined in ~~subsections (a) and (b)~~ of K.S.A. 2015 Supp. 21-6414(a) and (b), and amendments thereto;

(n) unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, as defined in ~~subsections (a) and (b)~~ of K.S.A. 2015 Supp. 21-6417(a) and (b), and amendments thereto;

(o) selling sexual relations, as defined in K.S.A. 2015 Supp. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 2015 Supp. 21-6420, and amendments thereto, and buying sexual relations, as defined in K.S.A. 2015 Supp. 21-6421, and amendments thereto;

(p) human trafficking and aggravated human trafficking, as defined in K.S.A. 2015 Supp. 21-5426, and amendments thereto;

(q) violations of the banking code, as described in K.S.A. 9-2012, and amendments thereto;

(r) mistreatment of a dependent adult, as defined in K.S.A. 2015 Supp. 21-5417, and amendments thereto;

(s) giving a worthless check, as defined in K.S.A. 2015 Supp. 21-5821, and amendments thereto;

(t) forgery, as defined in K.S.A. 2015 Supp. 21-5823, and amendments thereto;

(u) making false information, as defined in K.S.A. 2015 Supp. 21-5824, and amendments thereto;

(v) criminal use of a financial card, as defined in K.S.A. 2015 Supp. 21-5828, and amendments thereto;

(w) unlawful acts concerning computers, as described in K.S.A. 2015 Supp. 21-5839, and amendments thereto;

(x) identity theft and identity fraud, as defined in ~~subsections (a) and (b)~~ of K.S.A. 2015 Supp. 21-6107(a) and (b), and amendments thereto;

(y) electronic solicitation, as defined in K.S.A. 2015 Supp. 21-5509, and amendments thereto;

(z) felony violations of fleeing or attempting to elude a police officer, as described in K.S.A. 8-1568, and amendments thereto;

(aa) commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto;

(bb) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 2015 Supp. 21-6329, and amendments thereto;

(cc) indecent solicitation of a child and aggravated indecent solicitation of a child, as defined in K.S.A. 2015 Supp. 21-5508, and amendments thereto; ~~and~~

(dd) sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-5510, and amendments thereto; and

(ee) violation of a consumer protection order as defined in section 4, and amendments thereto.

Sec. 7 K.S.A. 2015 Supp. 50-6,139, 50-7a03 and 60-4104 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, in line 1, by striking all after "concerning"; in line 2, by striking all before the semicolon and inserting "consumer protection; relating to identity theft and identity fraud; door-to-door sales"; also in line 2, by striking "22-4903" and inserting "50-6,139 and 60-4104"; in line 3 by striking "section" and inserting "sections";

also repealing K.S.A. 2015 Supp. 50-7a03";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ  
JAN PAULS

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2460**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2490** submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed as introduced, as follows:

On page 4, following line 10, by inserting:

"Sec. 5. K.S.A. 2015 Supp. 83-214 is hereby amended to read as follows: 83-214.

(a) The secretary may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as the secretary may make, the secretary, or an authorized representative of the secretary, may seal the same with a seal which is kept for that purpose.

(b) (1) Except as otherwise provided by statute, the secretary, or the authorized representative of the secretary, may charge for services provided by the department and other necessary and incidental expenses or both incurred in conjunction with the testing and proving of weights, measures and other devices at a rate per hour or fraction thereof and other necessary and incidental expenses which are fixed by rules and regulations adopted by the secretary of agriculture, except that (1) the charges for services provided by the metrology lab shall not exceed \$50 per hour or fraction thereof, and (2) in the case of the head house scale program such charges shall not exceed \$100 per hour or fraction thereof, rates prescribed pursuant to this section. An in-state rate shall be charged to licensed service companies that have licensed technical representatives performing service work in Kansas. An additional fee for adjustment of any weight, measure or other device may be assessed. The rates charged by the secretary shall be as follows:

Category	In-State rate	In-State rate for quantities of 10 or more	In-State rate for quantities of 100 or more	Standard rate	Standard rate for quantities of 10 or more	Adjustment fee per piece
Large Mass ( $\leq 1,250$ lbs through $\geq 100$ lbs, 500 kg through $50 \geq$ kg)	\$16	\$8	\$6	\$20	\$10	\$5
Medium Mass ( $< 100$ lbs through $\geq 20$ lbs, $< 50$ kg through $10 \geq$ kg)	\$6	\$4	\$2	\$10	\$5	\$5
Small Mass ( $< 20$ lbs through $\geq 0.001$ lbs, $< 10$ kg through 1 mg)	\$6	\$4	\$2	\$10	\$5	\$5
Small Mass Set ( $\leq 10$ lbs through $\geq 0.001$ lbs, $\leq 5$ kg through $\geq 20$ mg)	\$35	\$35		\$45	\$45	\$5
Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)/ASTM 2, 3, 4, 5	\$20	\$20		\$30	\$30	\$40
Precision Mass Echelon I (30 kg through 1 mg)/ASTM 1 or ASTM 0	\$40	\$40		\$60	\$60	
Extra Large Headhouse Weights (3,000 lbs through $> 1,250$ lbs)	\$40	\$40		\$50	\$50	\$5
Weight Carts (6,000 lbs through 2,000 lbs)	\$80	\$80		\$100	\$100	\$25
Weight Carts (8,000 lbs)	\$200	\$200		\$220	\$220	\$25
Large Volume (100 gal or less)	\$85	\$85		\$100	\$100	\$25
Large Volume (greater than 100 gal and less than or equal to 200 gal.)	\$185	\$185		\$200	\$200	\$25
Large Volume (greater than 200 gal and less than or equal to 500 gal.)	\$285	\$285		\$300	\$300	\$25
Large Volume (greater than 500 gal.)	\$485	\$485		\$500	\$500	\$25
Small Volume (5 gal.)	\$50	\$50		\$70	\$70	\$10
Gravimetric Volume (5 gal.)	\$180	\$180		\$200	\$200	
Thermometry ( $-35^{\circ}\text{C}$ through $150^{\circ}\text{C}$ )(Based on a per point calibration)	\$90	\$75		\$110	\$90	

(2) The secretary may charge the following additional fees for preparing items for shipment:

<u>Category</u>	<u>Rate</u>
<u>Large Mass (&lt; 1,250 lbs through &gt; 100 lbs, 500 kg through 50 &gt; kg)</u>	<u>\$20</u>
<u>Medium Mass (&lt; 100 lbs through &gt; 20 lbs, &lt; 50 kg through &gt; 10 kg)</u>	<u>\$30</u>
<u>Small Mass (&lt; 20 lbs through &gt; 0.001 lbs, &lt; 10 kg through &gt; 1 mg)</u>	<u>\$20</u>
<u>Small Mass Set (&lt; 10 lbs through &gt; 0.001 lbs, &lt; 5 kg through &gt; 1 mg)</u>	<u>\$20</u>
<u>Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)</u>	<u>\$10</u>
<u>Precision Mass Set (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)</u>	<u>\$20</u>
<u>Extra Large Headhouse Weights (3,000 lbs through &gt; 1,250 lbs)</u>	<u>\$40</u>
<u>Weight Carts (8,000 lbs through 2,000 lbs)</u>	<u>\$100</u>
<u>Large Volume (1,000 gal through 20 gal)</u>	<u>\$100</u>
<u>Large Volume LPG (1,000 gal through 20 gal)</u>	<u>\$100</u>
<u>Small Volume (5 gal)</u>	<u>\$20</u>
<u>Gravimetric Volume (5 gal)</u>	<u>\$20</u>
<u>Thermometry (-35°C through 150°C)(Based on a 2 point calibration)</u>	<u>\$20</u>

(3) For any service provided pursuant to this subsection that is not listed in the fee schedules in subsections (b)(1) and (b)(2), the secretary shall determine that fee to be charged.

(4) For any service provided pursuant to this subsection, the secretary may charge a minimum fee of \$50 per invoice. The secretary may charge for subsistence and transportation of personnel and equipment to such point and return. Such charges shall be set by rules and regulations adopted by the secretary of agriculture.

(5) The secretary may fix the manner in which any charges made pursuant to this subsection are collected.

(c) The secretary shall remit all moneys received under subsection (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund which is hereby created. All expenditures from the weights and measures fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

(d) Except as provided in K.S.A. 83-301 through 83-311, and amendments thereto, nothing in article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, shall prohibit the owner of a weighing or measuring device or the owner's employee or agent from servicing or repairing such device. However, if such device is found out of tolerance and is rejected by the department of agriculture, the owner is responsible for repairing the device within the time specified on the rejection tag and notifying the department when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the secretary in performing the follow-up inspections or tests.

Sec. 6. K.S.A. 2015 Supp. 83-219 is hereby amended to read as follows: 83-219.

(a) It shall be unlawful for any person:

(1) To offer or expose for sale, or to sell ~~or otherwise dispose of~~ any weight, measure or weighing or measuring device that does not meet the tolerances and specifications required by chapter 83 of the Kansas Statutes Annotated, and

amendments thereto, or which has been rejected without first obtaining the written authorization of the secretary;

(2) to use ~~or possess~~ a weight, measure or weighing or measuring device ~~that is used for or intended to be used~~ for commercial purposes which does not meet the tolerance and specifications required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or that does not conform to the standard authorized by the secretary for determining the quantity of any commodity or article of merchandise, for the purpose of:

(A) Buying or selling any commodity or article of merchandise;

(B) computation of any charge for services rendered on the basis of weight or measure;

(C) determining weight or measure, either when a charge is made for such determination or where no charge is made for use of such weight, measure, weighing or measuring device;

(3) except as allowed in K.S.A. 83-225, and amendments thereto, to break or remove any tag, mark or seal placed on any weighing or measuring device by the secretary or a county or city inspector of weights and measures, without specific written authorization from the proper authority or to use a weighing or measuring device after the lapse of the authorized period following the placing of a rejection tag thereon by the secretary, unless further extension of time for any repair purposes is first obtained from the secretary;

(4) to sell, offer or expose for sale, less than the represented quantity of any commodity, thing or service;

(5) to take or attempt to take more of the represented quantity of any commodity, thing or service when the buyer furnishes the weight, measure or weighing or measuring device by which the amount of any commodity, thing or service is determined;

(6) to keep for the purpose of sale, or to offer or expose for sale, or to sell any commodity in a manner contrary to the law or contrary to any rule and regulation;

(7) to use in retail trade, except in preparation of packages of merchandise put up in advance of sale, a weighing or measuring device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from a reasonable customer position;

(8) to violate any of the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder, for which a specific penalty is not provided;

(9) to sell or offer for sale, or use or possess for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure;

(10) to dispose of any rejected weight or measure in a manner contrary to law or rules and regulations;

(11) to expose for sale, offer for sale or sell any commodity in package form, without it being so wrapped, or the container so made, formed or filled, that it will not mislead the purchaser as to the quantity of the contents of the package;

(12) to expose for sale, offer for sale or sell any commodity in any container where the contents of the container fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the secretary;

(13) to misrepresent the price of any commodity or service sold, offered, exposed

or advertised for sale by weight, measure or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive any person;

(14) to misrepresent, or represent in a manner calculated or tending to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed or advertised for sale at retail;

(15) to compute or attempt to compute at the time of sale of an item, a value which is not a true extension of a price per unit which is then advertised, posted or quoted;

(16) to charge or attempt to charge, at the time of the sale of an item or commodity, a value which is more than the price which is advertised, posted or quoted;

(17) to alter a weight certificate, use or attempt to use any such certificate for any load or part of a load or for articles or things other than for which the certificate is given, or, after weighing and before the delivery of any articles or things so weighted, alter or diminish the quantity thereof;

(18) to hinder or obstruct in any way the secretary or any of the secretary's authorized agents in the performance of the secretary's official duties under chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(19) to fail to follow the standards and requirements established in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

(20) to fail to pay all fees and penalties as prescribed by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder;

(21) to fail to keep or make available for examination or provide to the secretary all inspection reports, test reports and any other service reports or other information on any device owned or operated by the owner or any agent or employee of the owner and other information necessary for the enforcement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder, and as required by the secretary;

(22) to fail to have any commercial weight, measure or weighing and measuring device tested as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(23) to sell or offer or expose for sale liquefied petroleum gas in packages or containers which do not bear a statement as to tare and net weight as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder, or packages or containers which bear a false statement as to weights;

(24) to sell, use, remove, or otherwise dispose of, or fail to remove from the premises specified, any weighing or measuring device or package or commodity contrary to the terms of any order issued by the secretary;

(25) to violate any order issued by the secretary pursuant to chapter 83 of the Kansas Statutes Annotated, and amendments thereto; and

(26) to prohibit a buyer or seller from observing the weighing or operation of any transaction to which such buyer or seller is a party.

(b) It shall be unlawful for any service company or technical representative to knowingly:

(1) Act as or represent such person's self to be a technical representative without having a valid license issued by the Kansas department of agriculture;

(2) certify a device as correct unless the device meets the tolerances and specifications as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(3) hinder or obstruct in any way the secretary in the performance of the secretary's official duties under chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(4) fail to follow the standards and requirements set forth in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

(5) fail to complete the testing or placing-in-service report in its entirety and to report the accurate description of the parts replaced, adjusted, reconditioned or work performed;

(6) file a false or fraudulent service company or technical representative application or reports to the secretary;

(7) fail to pay all fees and penalties as prescribed by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder;

(8) fail to keep or make available for examination in an accessible and legible manner or provide to the secretary in a legible manner all inspection reports, test reports, and any other service or report work information on any device which the service company or an agent or employee performed work on and other information necessary for the enforcement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder; or

(9) sell, offer or expose for sale a weighing or measuring device intended to be used commercially, which is not traceable to a national type evaluation program certificate of conformance.

(c) For the purpose of ~~paragraph subsection~~ (a)(4), the selling and delivery of a stated quantity of any commodity shall be prima facie evidence of representations on the part of the seller that the quantity sold and delivered was the quantity bought by the purchaser.

(d) Violation of this section shall be deemed a deceptive act and practice as defined by K.S.A. 50-626, and amendments thereto. Violations of the provisions of K.S.A. 83-219, and amendments thereto, may be enforced by the secretary under the administrative provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or by the attorney general or a county or district attorney under the Kansas consumer protection act.

Sec. 7. K.S.A. 2015 Supp. 83-302 is hereby amended to read as follows: 83-302. (a) ~~(1)~~ Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a company in Kansas shall apply to the secretary for a service company license, on a form to be supplied by the secretary, and shall obtain such license from the secretary before operating and performing testing or other services as a service company. Each service company shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50, ~~or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 and thereafter an annual license renewal application fee of \$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 for each place of business.~~

(2) Beginning with the 2017 license year, the secretary may, by order, set the license application fee, not to exceed the maximum fee stated herein:

- (A) Commencing July 1, 2017, the license application fee shall not exceed \$100.
- (B) Commencing July 1, 2019, the license application fee shall not exceed \$110.
- (C) Commencing July 1, 2021, the license application fee shall not exceed \$120.
- (D) Commencing July 1, 2023, and thereafter, the license application fee shall not exceed \$130.

(3) Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable. The license renewal fee shall be equal to the license application fee as provided in this section for each place of business.

(b) If any service company maintains any out-of-state places of business which the company operates in serving Kansas patrons, the service company seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any liabilities arising from operations thereunder. Each nonresident service company which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the service company intends to operate.

(c)(1) Each technical representative shall be licensed annually by the secretary. Except as provided in paragraph (2), each technical representative shall be required to attend continuing education seminars on an annual basis as required by rules and regulations adopted by the secretary and to pass a reasonable examination prescribed by the secretary each year prior to being licensed. ~~The Kansas department of agriculture shall be authorized to charge a fee to the attendees of the continuing education seminars sponsored by the agency. The amount charged shall be no more than is necessary to cover the expenses incurred in providing the seminar.~~ Each technical representative's license shall expire on June 30 following the issuance of the license and shall be void unless renewed prior to the expiration.

(2) Beginning on July 1, 2017, each technical representative who has had 10 years of continuous licensure with no administrative enforcement action adjudicated against such technical representative during such 10-year period shall be eligible to obtain a three-year license. The secretary shall implement, by order, the fee for such three-year license, which shall be an amount not to exceed \$300. Each technical representative holding a three-year license shall be required to complete continuing education as described in subsection (c)(1) at a frequency not to exceed once per three-year period. The secretary may promulgate rules and regulations to require any technical representative who has been adjudicated in violation of this act or any rules and regulations promulgated by the secretary, to seek renewal of a license on an annual basis and may establish criteria for reinstatement of eligibility for a three-year license.

(3) The department of agriculture is authorized to charge a fee to the attendees of

continuing education seminars sponsored by the department. The amount of such fee shall be no more than is necessary to cover the expenses incurred by providing the seminar.

(d) No service company license may be issued or renewed under this section until the applicant's weights or measures, or both have been tested for accuracy and sealed by the secretary. The secretary is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national institute of standards and technology or by a weights and measures laboratory certified by the national institute of standards and technology in lieu of a test by the secretary, if such certificate shows that the weights or measures have been tested within the last 365 days preceding the license application.

(e) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.";

And by renumbering sections accordingly;

Also on page 4, in line 11, by striking "and" and inserting a comma; also in line 11, after "2-2117" by inserting ", 83-214, 83-219 and 83-302";

On page 1, in the title, in line 1, after "concerning" by inserting "the department of agriculture; relating to"; in line 2, after "containment;" by inserting "weights and measures; charging for certain services; unlawful acts; technical representatives;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "2-2117" by inserting ", 83-214, 83-219 and 83-302";

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

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

*Conferees on part of Senate*

SHARON SCHWARTZ

SUE BOLDRA

JOHN WILSON

*Conferees on part of House*

Senator Powell moved the Senate adopt the Conference Committee Report on **HB 2490**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pilcher-Cook.

The Conference Committee Report was adopted.

## EXPLANATION OF VOTE

Madam President: The previous director of Weights and Measures, who served as the National Chairman and received international recognition for his contribution to Weights and Measures, proposed this change over five years ago. This change, though long overdue, promotes increased efficiency and production in State government. I wholeheartedly support this change.—CARYN TYSON

## ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 516**.

President Wagle announced the time had arrived to consider the motion submitted in writing by Senator Tom Holland, citing Rule 11(b), to withdraw **SB 516** from the Committee on **Ethics and Elections** and be placed on the calendar under the heading of **General Orders**.

**SB 516**, AN ACT concerning campaign finance; prohibiting certain contributions by contractors with public entities.

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The motion failed and **SB 516** remains in committee.

## EXPLANATION OF VOTE

Madam President: I vote "No" on the motion to remove **SB 516** for the Ethics and Elections Committee. The maker of the motion claims this legislation would improve upon the "the lack scrutiny" over business' relationships with governing bodies. However, **SB 516** is simply an election-year smoke screen that is lacking in fairness. If one reads the legislation, it is pretty obvious that it restricts the freedom of speech of those in the private sector, but does nothing to reign in government funded lobbyists, unions, and other Democratic Party fundraisers. If the maker of the motion truly wishes to reduce "the special interests' undue influence over elected officials," why don't we start by eliminating taxpayer funded lobbying? The vast majority of Kansans believe that government is far too intrusive in their daily lives. The reason for this is that far too many entities use taxpayer funds to lobby for more funding.—JULIA LYNN

Senators Abrams, Melcher, Pilcher-Cook and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **SB 516**.

On motion of Senator Bruce, the Senate recessed until 8:00 p.m..

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**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2056**.

The House adopts the Conference Committee report on **HB 2163**.

The House adopts the Conference Committee report on **HB 2460**.

The House adopts the Conference Committee report on **HB 2490**.

The House adopts the Conference Committee report on **H Sub SB 149**.

The House adopts the Conference Committee report on **H Sub SB 193**.

The House adopts the Conference Committee report on **SB 325**.

The House adopts the Conference Committee report on **SB 418**.

The House not adopts the Conference Committee report on **H Sub SB 128**, requests a conference and appoints Representatives Barker, Macheers and Carmichael as Third conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 402**, and has appointed Representatives Hawkins, Dove and Ward as second conferees on the part of the House.

**ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 402**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 402** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

DANIEL HAWKINS

WILLIE DOVE

*Conferees on part of House*

MICHAEL O'DONNELL

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

On motion of Senator Bruce the Senate adopted the conference committee report on **H Sub SB 402**, and requested a new conference be appointed.

Under the authority of the President, the Vice President appointed Senators O'Donnell, Denning and Kelly as a second Conference Committee on the part of the Senate on **H Sub SB 402**.

**ORIGINAL MOTION**

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **H Sub SB 128**.

Under the authority of the President, the Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 149, H Sub SB 193; SB 325, SB 418; S Sub HB 2365, S Sub HB 2509; HB 2696.**

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2615** 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 10, following line 38, by inserting:

"(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.";

On page 11, following line 29, by inserting:

"Sec. 5. K.S.A. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than:

- (1) A charitable health care provider;
- (2) a hospital owned by a municipality and the employees thereof;
- (3) a local health department and the employees thereof;
- (4) an indigent health care clinic and the employees thereof;~~or~~
- (5) a district coroner or deputy district coroner appointed pursuant to K.S.A. 22a-226, and amendments thereto;or

(6) a community mental health center and the employees thereof.

(b) Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than those health care providers enumerated in subsection (a), arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(c) As used in this section:

- (1) "Indigent health care clinic" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.
- (2) "Charitable health care provider" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.
- (3) "Health care provider" shall have the meaning ascribed to such term under K.S.A. 40-3401, and amendments thereto.
- (4) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service

operated in connection with the operation of the medical care facility.

(5) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241, and amendments thereto.

New Sec. 6. Sections 6 through 29, and amendments thereto, shall be known and may be cited as the acupuncture practice act.

New Sec. 7. As used in the acupuncture practice act:

(a) "ACAOM" means the national accrediting agency recognized by the U.S. department of education that provides accreditation for educational programs for acupuncture and oriental medicine. For purposes of the acupuncture practice act, the term ACAOM shall also include any entity deemed by the board to be the equivalent of ACAOM.

(b) "Act" means the acupuncture practice act.

(c) "Acupuncture" means the use of needles inserted into the human body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body and stimulating the body to restore itself to its proper functioning and state of health.

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

(e) "Council" means the acupuncture advisory council established by section 18, and amendments thereto.

(f) "Licensed acupuncturist" means any person licensed to practice acupuncture under the acupuncture practice act.

(g) "NCCAOM" means the national certification commission for acupuncture and oriental medicine. NCCAOM is a national organization that validates entry-level competency in the practice of acupuncture and oriental medicine through the administration of professional certification examinations. For purposes of the acupuncture practice act, the term NCCAOM shall also include any entity deemed by the board to be the equivalent of the NCCAOM.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathy in Kansas.

(i) "Practice of acupuncture" includes, but is not limited to:

(1) Techniques sometimes called "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment" and similar terms;

(2) mechanical, thermal, pressure, suction, friction, electrical, magnetic, light, sound, vibration, manual and electromagnetic treatment;

(3) the use, application or recommendation of therapeutic exercises, breathing techniques, meditation and dietary and nutritional counselings; and

(4) the use and recommendation of herbal products and nutritional supplements, according to the acupuncturist's level of training and certification by the NCCAOM or its equivalent.

(j) "Practice of acupuncture" does not include:

(1) Prescribing, dispensing or administering of any controlled substances as defined in K.S.A. 65-4101 et seq., and amendments thereto, or any prescription-only drugs;

(2) the practice of medicine and surgery, including obstetrics and the use of lasers or ionizing radiation;

(3) the practice of osteopathic medicine and surgery or osteopathic manipulative treatment;

- (4) the practice of chiropractic;
- (5) the practice of dentistry; or
- (6) the practice of podiatry.

New Sec. 8. (a) On and after July 1, 2017, except as otherwise provided in this act, no person shall practice acupuncture unless such person possesses a current and valid acupuncture license issued under this act.

(b) (1) No person shall depict oneself orally or in writing, expressly or by implication, as a holder of a license who does not hold a current license under this act.

(2) Only persons licensed under this act shall be entitled to use the title "licensed acupuncturist" or the designated letters "L.Ac."

(3) Nothing in this section shall be construed to prohibit an acupuncturist licensed under this act from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to denote any educational degrees, certifications or credentials which such licensed acupuncturist has earned.

(4) Violation of this section shall constitute a class B misdemeanor.

New Sec. 9. Needles used in the practice of acupuncture shall only be prepackaged, single-use and sterile. These needles shall only be used on an individual patient in a single treatment session.

New Sec. 10. (a) The following shall be exempt from the requirements for an acupuncture license pursuant to this act:

(1) Any person licensed in this state to practice medicine and surgery, osteopathy, dentistry or podiatry, a licensed chiropractor or a licensed naturopathic doctor, if the person confines the person's acts or practice to the scope of practice authorized by their health professional licensing laws and does not represent to the public that the person is licensed under this act;

(2) any herbalist or herbal retailer who does not hold oneself out to be a licensed acupuncturist;

(3) any health care provider in the United States armed forces, federal facilities and other military service when acting in the line of duty in this state;

(4) any student, trainee or visiting teacher of acupuncture, oriental medicine or herbology who is designated as a student, trainee or visiting teacher while participating in a course of study or training under the supervision of a licensed acupuncturist licensed under this act in a program that the council has approved. This includes continuing education programs and any acupuncture or herbology programs that are a recognized route by the NCCAOM, or its equivalent, to certification;

(5) any person rendering assistance in the case of an emergency or disaster relief;

(6) any person practicing self-care or any family member providing gratuitous care, so long as such person or family member does not represent or hold oneself out to the public to be an acupuncturist;

(7) any person who massages, so long as such person does not practice acupuncture or hold oneself out to be a licensed acupuncturist;

(8) any person whose professional services are performed pursuant to delegation by and under the supervision of a practitioner licensed under this act;

(9) any team acupuncturist or herbology practitioner, who is traveling with and treating those associated with an out-of-state or national team that is temporarily in the state for training or competition purposes; and

(10) any person licensed as a physical therapist when performing dry needling, trigger point therapy or services specifically authorized in accordance with the provisions of the physical therapy practice act.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 11. An applicant for licensure as an acupuncturist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 21 years of age;

(b) has successfully completed secondary schooling or its equivalent;

(c) has satisfactorily completed a course of study involving acupuncture from an accredited school of acupuncture which the board shall determine to have educational standards substantially equivalent to the minimum educational standards for acupuncture colleges as established by the ACAOM or NCCAOM;

(d) has satisfactorily passed a license examination approved by the board;

(e) has the reasonable ability to communicate in English; and

(f) has paid all fees required for licensure pursuant to section 16, and amendments thereto.

New Sec. 12. (a) The board, without examination, may issue a license to a person who has been in the active practice of acupuncture in some other state, territory, the District of Columbia or other country upon certification by the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or received other disciplinary actions and that, so far as the records of such authority are concerned, the applicant is entitled to such licensing authority's endorsement. The applicant shall also present proof satisfactory to the board:

(1) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained in Kansas;

(2) that the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state;

(3) the date of the applicant's original license and all endorsed licenses and the date and place from which any license was attained;

(4) the applicant has been actively engaged in practice under such license or licenses since issued. The board may adopt rules and regulations establishing qualitative and quantitative practice activities which qualify as active practice;

(5) that the applicant has a reasonable ability to communicate in English; and

(6) that the applicant has paid all the application fees as prescribed by section 16, and amendments thereto.

(b) An applicant for a license by endorsement shall not be licensed unless, as determined by the board, the applicant's individual qualifications are substantially equivalent to the Kansas requirements for licensure under the acupuncture practice act.

New Sec. 13. The board shall waive the education and examination requirements for an applicant who submits an application on or before January 1, 2018, and who, on or before July 1, 2017:

(a) Is 21 years of age or older;

- (b) has successfully completed secondary schooling or its equivalent;
- (c) (1) (A) has completed a minimum of 1,350 hours of study, excluding online study in the field of acupuncture; and
  - (B) has been engaged in the practice of acupuncture with a minimum of 1,500 patient visits during a period of at least three of the five years immediately preceding July 1, 2017, as evidenced by two affidavits from office partners, clinic supervisors or other individuals approved by the board, who have personal knowledge of the years of practice and number of patients visiting the applicant for acupuncture. The board may adopt rules and regulations for further verification of the applicant's practice of acupuncture; or
  - (2) has satisfactorily passed a license examination approved by the board;
  - (d) has a reasonable ability to communicate in English; and
  - (e) has paid all fees required for licensure as prescribed by section 16, and amendments thereto.

New Sec. 14. (a) The license shall be canceled on March 31 of each year unless renewed in the manner prescribed by the board. In each case in which a license is renewed for a period of time of less than 12 months, the board may prorate the amount of the fee established under section 16, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the renewal date of the license.

(b) There is hereby created a designation of an active license. The board is authorized to issue an active license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensed acupuncturists shall be established by rules and regulations adopted by the board.

(c) The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(d) At least 30 days before the renewal date of a licensee's license, the board shall notify the licensee of the renewal date by mail addressed to the licensee's last known mailing address. If the licensee fails to submit the renewal application and pay the renewal fee by the renewal date of the license, the licensee shall be given notice that the licensee has failed to submit the renewal application and pay the renewal fee by the renewal date of the license, that the license will be deemed canceled if not renewed within 30 days following the renewal date, that upon receipt of the renewal application and renewal fee and an additional late fee established by rules and regulations not to exceed \$500 within the 30-day period, the license will not be canceled and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(e) Any license canceled for failure to renew may be reinstated within two years of cancellation upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing education requirements established by the board by rules and regulations. Any person who has not been in the active practice of acupuncture for which reinstatement is sought or who has not been

engaged in a formal educational program during the two years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(f) There is hereby created a designation of an exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of acupuncture for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of acupuncture upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 16, and amendments thereto. For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of acupuncture since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety. Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee of: (1) A local health department as defined by K.S.A. 65-241, and amendments thereto; or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(g) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an inactive license only to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice acupuncture in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by subsection (b). Each inactive licensee may apply for an active license upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 16, and amendments thereto. For those licensees whose licenses have been

inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of acupuncture or engaged in a formal education program since the license has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(h) This section shall take effect on and after July 1, 2017.

New Sec. 15. A person whose license has been revoked may apply for reinstatement after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by the fee established by the board in accordance with section 16, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement. If the board determines that a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

New Sec. 16. The board shall charge and collect in advance nonrefundable fees for acupuncturists as established by the board by rules and regulations, not to exceed:

Initial application for licensure .....	\$700
Annual renewal for active license – paper.....	\$300
Annual renewal for active license – online .....	\$250
Annual renewal for inactive license – paper .....	\$200
Annual renewal for inactive license – online .....	\$150
Annual renewal for exempt license – paper .....	\$200
Annual renewal for exempt license – online .....	\$150
Late renewal fee .....	\$100
Conversion from inactive to active license .....	\$300
Conversion from exempt to active license .....	\$300
Application for reinstatement of revoked license .....	\$1,000
Certified copy of license .....	\$25
Written verification of license .....	\$25

New Sec. 17. The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

New Sec. 18. (a) There is hereby established the acupuncture advisory council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas, appointed as follows:

(1) The board shall appoint one member who is a physician licensed to practice medicine and surgery or osteopathy. The member appointed by the board shall serve at the pleasure of the board. The governor shall appoint three acupuncturists who have at least three years' experience in acupuncture preceding appointment and are actively engaged, in this state, in the practice of acupuncture or the teaching of acupuncture. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas association of oriental medicine. The governor shall appoint one member from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible, persons appointed by the governor to the council shall be from different geographic areas.

(2) The members appointed by the governor shall be appointed for terms of four years and until a successor is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(b) The council shall meet at least once each year at a time of its choosing at the board's main office and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(c) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(d) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the healing arts fee fund.

New Sec. 19. The acupuncture advisory council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) the number of yearly continuing education hours required to maintain active licensure;
- (d) changes and new requirements taking place in the areas of acupuncture; and
- (e) such other duties and responsibilities as the board may assign.

New Sec. 20. The board shall promulgate all necessary rules and regulations which may be necessary to administer the provisions of this act and to supplement the provisions herein.

New Sec. 21. (a) A licensee's license may be revoked, suspended, limited or placed on probation, or the licensee may be publicly censured, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

- (1) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;
- (2) the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;

(3) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board;

(4) the licensee has been convicted of a felony;

(5) the licensee has violated any provision of the acupuncture practice act;

(6) the licensee has violated any lawful order or rule and regulation of the board;

(7) the licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;

(8) the licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(9) the licensee has surrendered a license or authorization to practice as an acupuncturist in another state or jurisdiction, has agreed to a limitation or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(10) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as an acupuncturist in another state or jurisdiction or the surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(11) the licensee has an adverse judgment, award or settlement rendered against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(12) the licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; or

(13) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or use of alcohol, drugs or controlled substances. When reasonable suspicion of impairment exists, the board may take action in accordance with K.S.A. 65-2842, and amendments thereto. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding. This provision regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of the acupuncture practice act. All administrative proceedings conducted pursuant to this act shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(c) This section shall take effect on and after July 1, 2017.

New Sec. 22. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under the acupuncture practice act. Any such action shall be taken in accordance with the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

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

(d) Judicial review and civil enforcement of any agency action under this act shall be in accordance with the Kansas judicial review act.

New Sec. 23. The board or a committee of the board may implement non-disciplinary resolutions concerning a licensed acupuncturist consistent with the provisions of K.S.A. 65-2838a, and amendments thereto.

New Sec. 24. The state board of healing arts, in addition to any other penalty prescribed under the acupuncture practice act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the acupuncture practice act in an amount not to exceed \$2,000 for a first violation, \$5,000 for a second violation and \$10,000 for a third violation and any subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4218, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. Fines collected under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.

New Sec. 25. (a) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information, except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act.

(b) Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be re-disclosed by the receiving agency except as otherwise authorized by law.

(c) This section regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

New Sec. 26. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against a person licensed, registered or certified by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice acupuncture and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

New Sec. 27. (a) The confidential relations and communications between a licensed acupuncturist and the acupuncturist's patient are placed on the same basis as those established between a physician and a physician's patient in K.S.A. 60-427, and amendments thereto.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 28. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 29. If any provision of the acupuncture practice act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the acupuncture practice act which can be given effect without the invalid provision or application, and to this end the provisions of the acupuncture practice act are declared to be severable.

Sec. 30. K.S.A. 2015 Supp. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

- (b) Persons gratuitously administering ordinary household remedies.
- (c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.
- (d) Students while in actual classroom attendance in an accredited healing arts school who after completing one year's study treat diseases under the supervision of a licensed instructor.
- (e) Students upon the completion of at least three years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 180 days under the supervision of a licensed practitioner.
- (f) Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.
- (g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act.
- (h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals or groups, or both, provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.
- (i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.
- (j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in consultation with practitioners licensed in this state.
- (k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.
- (o) Every act or practice falling in the field of the healing arts, not specifically excepted herein, shall constitute the practice thereof.
- (p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, who administers general and local anesthetics to facilitate medical procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899, and amendments thereto, to administer such general and local anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of another state who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state, but who order services which are performed in this state in accordance with rules and regulations of the board. The board shall adopt rules and regulations identifying circumstances in which professional services may be performed in this state based upon an order by a practitioner of the healing arts licensed under the laws of another state.

(s) Acupuncturists, when licensed and practicing in accordance with sections 6 through 29, and amendments thereto, rules and regulations adopted thereto, and interpretations thereof by the supreme court of this state.

(t) Persons licensed by the state board of cosmetology practicing their professions, when licensed and practicing under and in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

New Sec. 31. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist.

(b) This section shall be part of and supplemental to the physical therapy practice act.

Sec. 32. K.S.A. 2015 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 amendments thereto the physical therapy practice act:~~

(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; dry needling; 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 who is licensed pursuant to ~~article 29 of chapter 65 of the Kansas~~

~~Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 appropriate, as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(c) "Physical therapist assistant" means a person who is certified pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~, the physical therapy practice 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, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

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

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

(f) "Dry needling" means a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.

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

~~(g)~~ (h) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

Sec. 33. K.S.A. 2015 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) ~~of this section~~:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when

licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under ~~subsection (g)~~ of K.S.A. 65-2872(g), and amendments thereto;

(6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;

(7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under ~~subsection (m)~~ of K.S.A. 65-1124(m), and amendments thereto;

(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; ~~and~~

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; and

(23) acupuncturists practicing their profession when licensed and practicing in

accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice act.

New Sec. 34. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the behavioral sciences regulatory board may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or another jurisdiction. The behavioral sciences regulatory board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The behavioral sciences regulatory board may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the behavioral sciences regulatory board in the taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the behavioral sciences regulatory board.

(c) The behavioral sciences regulatory board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the behavioral sciences regulatory board fee fund. The behavioral sciences regulatory board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the behavioral sciences regulatory board fee fund.

Sec. 35. K.S.A. 65-5806 is hereby amended to read as follows: 65-5806. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-5808, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-5808, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, a licensee shall complete not less than six continuing education hours relating to

diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-5808, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 36. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice professional counseling ~~during the five years~~ for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) ~~a masters~~ master's degree in counseling from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2)~~ of subsection (a) (1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 37. K.S.A. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board ~~shall may~~ fix by rules and regulations the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a professional counselor, not more than \$100;

(2) for an original license as a professional counselor, not more than \$175;

(3) ~~for examination~~ a temporary license as a professional counselor, not more than \$175;

~~(4) for renewal of a license for licensure as a professional counselor, not more than \$150;~~

~~(5) for reinstatement of a license, not more than \$175;~~

~~(6) for replacement of a license, not more than \$20;~~

~~(7) for application for licensure as a clinical professional counselor, not more than \$175;~~

~~(6) for licensure as a clinical professional counselor, not more than \$175;~~

~~(8)(7) for renewal for licensure as a clinical professional counselor, not more than \$175;~~

~~(9)(8) for late renewal penalty, an amount equal to the fee for renewal of a license; and~~

~~(10) for exchange of a license in lieu of registration pursuant to subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed \$150~~

~~(9) for reinstatement of a license, not more than \$175;~~

~~(10) for replacement of a license, not more than \$20; and~~

~~(11) for a wallet card license, not more than \$5.~~

~~(b) Fees paid to the board are not refundable.~~

Sec. 38. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse to renew, condition or revoke any license granted under the professional counselors licensure act for any of the following reasons:

~~(a) Use of drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

~~(b) the individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust;~~

~~(c) use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of the professional counselors licensure act or in obtaining permission to take any examination given or required pursuant to the provisions of the professional counselors licensure act;~~

~~(d) obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;~~

~~(e) incompetence, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor or clinical professional counselor;~~

~~(f) violation of, or assisting or enabling any individual to violate, any provision of the professional counselors licensure act or any rule and regulation adopted under such act;~~

~~(g) impersonation of any individual holding a license or allowing any individual to use a license or diploma from any school of a person licensed under the professional counselors licensure act or a diploma from any school of an applicant for licensure under the professional counselors licensure act;~~

~~(h) revocation or suspension of a license or other authorization to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized by the professional counselors licensure act;~~

~~(i) the individual is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

~~(j) assisting or enabling any person to hold oneself out to the public or offer to hold oneself out to the public as a licensed professional counselor or a licensed clinical professional counselor who is not licensed under the provisions of the professional counselors licensure act;~~

~~(k) the issuance of the license was based upon a material mistake of fact;~~

~~(l) violation of any professional trust or confidence;~~

~~(m) use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;~~

~~(n) unprofessional conduct as defined by rules and regulations adopted by the board; or~~

~~(o) the licensee renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:~~

~~(1) Is incompetent to practice professional counseling, which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice professional counseling;~~

~~(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;~~

~~(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(7) has knowingly made a false statement on a form required by the board for a license or license renewal;~~

~~(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;~~

~~(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or~~

~~(10) has had a registration, license or certificate as a professional counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory 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.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the professional counselors licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional counselors licensure act shall be in accordance with the Kansas judicial review act.

New Sec. 39. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for a board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical professional counselor and has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date; or

(B) is a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy and has practiced at least two years of clinical practice beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-5806, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 40. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) Except as provided in subsections (b) and (c), an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:

(1) The standards for licensure to practice social work at the clinical level in the

other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Licensure to practice social work at the clinical level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and

(C) a ~~masters~~ master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.

(c) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:

(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.

(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

~~(f) Such persons shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board.~~

~~(g)~~—Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

~~(h)~~ (g) No person may work under a temporary license except under the supervision of a licensed social worker.

~~(i)~~ (h) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

~~(j)~~ (i) Any individual employed by a hospital and working in the area of hospital

social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

~~(k) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.~~

Sec. 41. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as follows: 65-6311. (a) ~~The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:~~

~~(1) Has been convicted of a felony and, after investigation, the board finds that the licensee has not been sufficiently rehabilitated to merit the public trust;~~

~~(2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing needed qualifications under this act;~~

~~(3) has knowingly aided or abetted a person, not a licensed social worker, in representing such person as a licensed social worker in this state;~~

~~(4) has been found guilty of unprofessional conduct as defined by rules established by the board;~~

~~(5) has been found to have engaged in diagnosis as authorized under K.S.A. 65-6319, and amendments thereto, even though not authorized to engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

~~(6) has been found guilty of negligence or wrongful actions in the performance of duties; or~~

~~(7) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

~~(1) Is incompetent to practice social work, which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice social work;~~

~~(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;~~

~~(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(7) has knowingly made a false statement on a form required by the board for a license or license renewal;~~

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a license, registration or certificate to practice social work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper licensing regulatory 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.

(b) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act. For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

Sec. 42. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as follows: 65-6313. (a) All licenses issued shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) (1) Except as otherwise provided in K.S.A. 65-6311, and amendments thereto, a license may be renewed by the payment of the renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the execution and submission of a signed statement, on a form to be provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that applicant has met the requirements for continuing education established by the board including not less than three continuing education hours of professional ethics.

(2) An applicant for renewal of a license as a master social worker or a specialist clinical social worker, as part of such continuing education, shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders.

~~(3) On and after January 1, 2011,~~ An applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant for first time licensure renewal has already taken such training, as part of a previous level of social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety training.

(c) The application for renewal shall be made on or before the date of the expiration of the license or on or before the date of the termination of the period of suspension.

(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee established under K.S.A. 65-6314, and amendments thereto, plus a penalty equal to the renewal fee, and proof satisfactory to the board of the completion of 40 hours of continuing education within two years prior to application for reinstatement. Upon

receipt of such payment and proof, the board shall reinstate the license. A license shall be reinstated under this subsection, upon receipt of such payment and proof, at any time after the expiration of such license.

(e) In case of a lost or destroyed license, and upon satisfactory proof of the loss or destruction thereof, the board may issue a duplicate license and shall charge a fee as set forth in K.S.A. 65-6314, and amendments thereto, for such duplicate license.

(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 43. K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) The following fees ~~shall~~ may be established by the board ~~by rules and regulations~~ in accordance with the following limitations, ~~and any such fees shall be established by rules and regulations adopted by the board:~~

(1) Renewal or reinstatement fee for a license as a social work associate shall be not more than \$150.

(2) Application, new license, reinstatement or renewal fee for a license as a baccalaureate social worker shall be not more than \$150.

(3) Application, new license, reinstatement or renewal fee for a license as master social worker shall be not more than \$150.

(4) Application, new license, reinstatement or renewal fee for a license in a social work specialty shall be not more than \$150.

~~(5) Examination fee for a license as a baccalaureate social worker, for a license as a master social worker or for a license in a social work specialty shall be not more than \$200. If an applicant fails an examination, such applicant may be admitted to subsequent examinations upon payment of an additional fee prescribed by the board of not more than \$200.~~

~~(6) Replacement fee for reissuance of a license certificate due to loss or name change shall be not more than \$20.~~

(6) Replacement fee for reissuance of a wallet card shall be not more than \$5.

(7) Temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.

(8) Application fee for approval as board-approved continuing education sponsors shall be as follows:

(A) Initial application fee for one year provisionally approved providers shall be not more than \$125;

(B) three-year renewal fees for approved providers shall be not more than \$350; and

(C) application fees for single program providers shall be not more than \$50 for each separately offered continuing education activity for which prior approval is sought.

(b) Fees paid to the board are not refundable.

New Sec. 44. K.S.A. 65-6301 through 65-6320, and this section, and amendments thereto, shall be known and may be cited as the social workers licensure act.

Sec. 45. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) Paying an application fee of no more than \$150, as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 65-6404(a)(1), (a)(2) and (a)(4),~~ and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

~~(3) A temporary licensee shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the license examination within six months subsequent to the date of issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first six months.~~

(4) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 46. K.S.A. 2015 Supp. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice marriage and family therapy ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration,

certification or licensing board or agency; and

(C) completion of a ~~masters~~ master's degree in marriage and family therapy from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2)~~ of subsection (a) (1) or (2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 47. K.S.A. 65-6407 is hereby amended to read as follows: 65-6407. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6411, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, the applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 48. K.S.A. 65-6408 is hereby amended to read as follows: 65-6408. The board may refuse to ~~grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure of any individual who the board, after a hearing, determines issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

(1) Is incompetent to practice marriage and family therapy, ~~or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public which means:~~

(A) One or more instances involving failure to adhere to the applicable standard of

care to a degree that constitutes gross negligence, as determined by the board;

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice marriage and family therapy;

(2) is has been convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for license or license renewal;

(8) has failed to obtain continuing education credits required by rules and regulations of the board;

(9) has been found guilty of to have engaged in unprofessional conduct as defined by applicable rules and regulations established adopted by the board; or

(10) has had a registration, license or certificate as a marriage and family therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

Sec. 49. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board ~~shall may fix by rules and regulations and shall collect~~ the following fees, ~~and any such fees shall be established by rules and regulations adopted by the board:~~

(1) For application for licensure ~~as a marriage and family therapist~~, not to exceed \$150;

(2) for original licensure ~~as a marriage and family therapist~~, not to exceed \$175;

- (3) ~~for examination, not to exceed \$275;~~  
 (4) ~~for renewal of a license for licensure as a marriage and family therapist, not to exceed \$175;~~  
 (5) ~~(4) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;~~  
 (5) for original licensure as a clinical marriage and family therapist, not to exceed \$175;  
 (6) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;  
 (7) for reinstatement of a license, not to exceed \$175;  
 (8) for replacement of a license, not to exceed \$20; ~~and~~  
 (9) ~~for late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made~~ renewal penalty, an amount equal to the renewal of license; and  
 (10) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

New Sec. 50. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-6411, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical marriage and family therapist and has practiced as a clinical marriage and family therapist for two years beyond the supervisor's licensure date; or

(B) be a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders and shall have at least two years of professional experience in the independent practice of clinical marriage and family therapy beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-6407, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 51. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and amendments thereto, shall be known and may be cited as the ~~addictions~~ addiction counselor licensure act.

Sec. 52. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as follows: 65-6608. As used in the ~~addictions~~ addiction counselor licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(b) "Addiction counseling" means the utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders.

(c) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt ~~for from~~ licensure under ~~subsection (m)~~ of K.S.A. 59-29b46(n), and amendments thereto.

(d) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

Sec. 53. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor ~~or~~, a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the ~~addictions~~ addiction counselor licensure act.

(b) On and after September 1, 2016, no person shall engage in the practice of addiction counseling or represent that such person is a licensed master's addiction counselor, master's addiction counselor, master's substance abuse counselor or master's alcohol and drug counselor without having first obtained a license as a master's addiction counselor under the addiction counselor licensure act.

(c) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor ~~or is~~, a clinical addiction counselor ~~or~~, a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor

licensure act.

~~(e)~~(d) Violation of this section is a class B misdemeanor.

Sec. 54. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21; ~~and~~  
 (2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed at least a baccalaureate degree from a college or university approved by the board ~~in a related field that includes~~. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

~~(C) has completed at least a baccalaureate degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board, and such degree program and the additional coursework includes a minimum number of semester hours of coursework on substance use disorders as approved by the board; or~~

~~(D)~~ is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; ~~or and~~

~~(E) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed masters level psychologist; and~~

(3) has passed an examination approved by the board; ~~and~~

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) ~~each applicant~~ has paid the application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Has attained the age of 21;

(B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;

(ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:  
(i) Holds an active license by the board as an addiction counselor; and  
(ii) has completed at least a master's degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21; and

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(B) (i) has completed at least a master's degree from a college or university approved by the board ~~in a related field that includes~~. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional

experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) ~~has completed a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and~~

~~(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or~~

~~(D) (i) has completed a master's degree in a related field from a college or university approved by the board and is licensed by the board as a licensed master's addiction counselor; and~~

~~(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-~~

person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(E) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

~~(e)~~ (d) Prior to July 1, 2017, a person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the Kansas department for aging and disability services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

~~(e)~~ (e) Prior to July 1, 2017, any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(e)~~ (f) Prior to July 1, 2017, any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively

engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(f) A licensed addiction counselor shall engage in the practice of addiction counseling only in a state licensed or certified alcohol and other drug treatment program, unless otherwise exempt from licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

Sec. 55. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015 Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)(4), and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

~~(e)~~ (d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.

~~(d)~~ (e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

~~(e)~~ (f) Nothing in this section shall affect any temporary license to practice issued

under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 56. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as follows: 65-6612. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of addiction counseling at the clinical level in another jurisdiction and who is in good standing in that other jurisdiction may engage in the independent practice of clinical addiction counseling as provided by the ~~addictions~~ addiction counselor licensure act, in this state for not more than 15 days per year upon receipt of a temporary permit to practice issued by the board.

(b) Any clinical addiction counseling services rendered within any 24-hour period shall count as one entire day of clinical addiction counseling services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire December 31 of that year. Upon written application and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days.

(d) The board shall charge a fee for a temporary permit to practice and a fee for an extension of a temporary permit to practice as fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(e) A person who holds a temporary permit to practice clinical addiction counseling in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical addiction counseling in this state.

(f) In accordance with the Kansas administrative procedure act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical addiction counseling in this state without complying with the provisions of this section.

Sec. 57. K.S.A. 2015 Supp. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice as an addiction counseling ~~during the five years~~ counselor for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate ~~or master's degree in addiction~~

~~counseling from a college or university approved by the board or completion of a baccalaureate or master's degree in a related field that includes all required addiction coursework.~~

~~(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:~~

~~(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and~~

~~(B) completion of at least a master's degree from a college or university approved by the board; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

~~(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and~~

~~(C) completion of at least a master's degree from a college or university approved by the board.~~

~~(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice ~~clinical~~ addiction counseling at the ~~clinical level~~ in another jurisdiction if the board determines that:~~

~~(1) (A) The standards for registration, certification or licensure to practice ~~clinical~~ addiction counseling at the ~~clinical level~~ in the other jurisdiction are substantially the equivalent of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; ~~or and~~~~

~~(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) ~~Continuous~~ Registration, certification or licensure to practice ~~clinical~~ addiction counseling ~~during the five years~~ at the ~~clinical level~~ for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~~~

~~(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; ~~and~~~~

~~(C) (i) completion of at least a master's degree in ~~clinical addiction counseling~~ from a college or university approved by the board; ~~or~~~~

~~(ii) completion of at least a master's degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or~~

~~(iii) completion of at least a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from~~

a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board; or

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders.

~~(e)~~ (d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto, if required by the board.

Sec. 58. K.S.A. 2015 Supp. 65-6614 is hereby amended to read as follows: 65-6614. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three hours in ethics. In addition, as part of such continuing education, the master's addiction counselor applicant and the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. Both the clinical addiction counselor applicant and the addiction counselor applicant shall complete not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 59. K.S.A. 2015 Supp. 65-6615 is hereby amended to read as follows: 65-6615. (a) The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:

~~(a)~~ issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(1) Is incompetent to practice addiction counseling, ~~or is found to engage in the~~

practice of addiction counseling in a manner harmful or dangerous to a client or to the public which means:

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice addiction counseling;

~~(b) (2) is has been convicted by a court of competent jurisdiction of a felony, misdemeanor crimes against persons or substantiation of abuse against a child, adult or resident of a care facility, even if not practice related offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(e) (5) has violated a provision of the ~~addictions~~ addiction counselor licensure act or one or more of the rules and regulations of the board;~~

~~(f) (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(g) (7) has knowingly made a false statement on a form required by the board for license or license renewal;~~

~~(h) (8) has failed to obtain continuing education credits required by rules and regulations of the board;~~

~~(i) (9) has been found ~~guilty of~~ to have engaged in unprofessional conduct as defined by applicable rules and regulations ~~established~~ adopted by the board; or~~

~~(j) (10) has had a registration, license or certificate as an addiction counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.~~

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the addiction counselor licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the addiction counselor licensure act shall be in accordance with the Kansas judicial review act.

Sec. 60. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as follows: 65-6616. Nothing in the ~~addictions~~ addiction counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master's level psychology or social work or other professions licensed by the behavioral sciences regulatory board;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master's level psychologists, marriage and family therapists, professional counselors, or other professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

Sec. 61. K.S.A. 2015 Supp. 65-6617 is hereby amended to read as follows: 65-6617. (a) A person licensed under the ~~addictions~~ addiction counselor licensure act and employees and professional associates of the person shall not be required to disclose any information that the person, employee or associate may have acquired in rendering addiction counseling services, unless:

(1) Disclosure is required by other state laws;

(2) failure to disclose the information presents a clear and present danger to the health or safety of an individual;

(3) the person, employee or associate is a party defendant to a civil, criminal or disciplinary action arising from the therapy, in which case a waiver of the privilege accorded by this section is limited to that action;

(4) the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that person's behalf; or

(5) a client agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such family member agrees to the waiver. Absent a waiver from each family member, an addiction counselor shall not disclose information received from a family member.

(b) Nothing in this section or in this act shall be construed to prohibit any person licensed under the ~~addictions~~ addiction counselor licensure act from testifying in court hearings concerning matters of adult abuse, adoption, child abuse, child neglect or other matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors, or both, on behalf of a client. There is no privilege under this section for information which is required to be reported to a public official.

Sec. 62. K.S.A. 2015 Supp. 65-6618 is hereby amended to read as follows: 65-6618. (a) The board ~~shall may~~ fix by rules and regulations and shall collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as an addiction counselor, not to exceed \$150;
- (2) for original licensure as an addiction counselor, not to exceed \$150;
- (3) for renewal ~~of a license for licensure~~ as an addiction counselor, not to exceed \$150;
- (4) for a temporary license ~~as an addiction counselor~~, not to exceed \$100;
- (5) for application for licensure as a master's addiction counselor, not to exceed \$150;
- (6) for original licensure as a master's addiction counselor, not to exceed \$150;
- (7) for renewal for licensure as a master's addiction counselor, not to exceed \$150;
- (8) for application for licensure as a clinical addiction counselor, not to exceed \$150;
- (6)(9) for original licensure as a clinical addiction counselor, not to exceed \$150;
- (7)(10) for renewal for licensure as a clinical addiction counselor, not to exceed \$150;
- (8)(11) for a temporary permit to practice clinical addiction counseling, not to exceed \$200;
- (9)(12) for extension of a temporary permit to practice clinical addiction counseling, not to exceed \$200;
- (10)(13) for reinstatement of a license, not to exceed \$150;
- (11)(14) for replacement of a license, not to exceed \$20; and
- (12)(15) for late renewal penalty, an amount equal to the fee for renewal; and
- (16) for a wallet license, not more than \$5.

(b) The board shall require that fees paid for any examination under the ~~addictions~~ addiction counselor licensure act be paid directly to the examination services by the person taking the examination.

(c) Fees paid to the board are not refundable.

Sec. 63. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as follows: 65-6620. A licensee under the ~~addictions~~ addiction counselor licensure act, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensee's training and the title or titles and license or licenses of such licensee. As a part of such obligation, such licensee shall disclose whether such licensee has a baccalaureate, master's degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine degree or some other doctoral degree. If such licensee does not have a medical doctor's degree, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins, and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client's record.

Sec. 64. K.S.A. 2015 Supp. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays an application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, an original license fee not in excess of \$150, which shall

not be refunded, who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item (3)~~ of subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3)~~ of subsection (a)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 65. K.S.A. 74-5311 is hereby amended to read as follows: 74-5311. ~~Examinations for applicants under this act shall be held by the board from time to time but not less than once each year.~~ The board shall adopt rules and regulations governing the subject, scope; and form of ~~the examinations for applicants under this act~~ or shall contract with a national testing service to provide an examination approved by the board. ~~The board shall prescribe an initial examination fee not to exceed \$350. If an applicant fails the first examination, such applicant may be admitted to any subsequent examination upon payment of an additional fee prescribed by the board not to exceed \$350. The examination fees prescribed by the board under this section shall be fixed by rules and regulations of the board.~~

Sec. 66. K.S.A. 2015 Supp. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

- (1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or
- (2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure as a psychologist at the doctoral level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

- (B) the absence of disciplinary actions of a serious nature brought by a registration,

certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 67. K.S.A. 2015 Supp. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, who must wait for completion of the next examination, who have paid the required application, examination and temporary license fees and who have submitted documentation as required by the board, under the following:

~~(1) The temporary license shall expire upon receipt and recording of the temporary licensee's second examination score by the board if such temporary licensee fails the examination after two attempts or upon the date the board issues or denies the temporary licensee a license to practice psychology if such temporary licensee passes the examination;~~

~~(2)~~—Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board;

~~(3)~~ (2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

~~(4)~~ (3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

~~(5)~~ (4) the fee for such temporary license shall may be fixed ~~by rules and regulations adopted~~ by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to ~~subsection (a)(4) of~~ K.S.A. 74-5310~~(a)(4)~~, and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period after expiration;

(3) temporary licensees shall take the license examination pursuant to ~~subsection (a)(4) of~~ K.S.A. 74-5310~~(a)(4)~~, and amendments thereto, subsequent to the date of

issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in ~~subsection (a)(4) of K.S.A. 74-5310(a)(4),~~ and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license ~~shall may~~ be fixed ~~by rules and regulations adopted~~ by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP" independently. The word "licensed" may be used only when preceded by the word "temporary" such as temporary licensed psychologist, or the initials "TLP."

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (b) or (c) ~~of this section.~~

Sec. 68. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. ~~On or before the first day of April of alternate years, the board shall mail to every psychologist licensed in Kansas an application blank for renewal, which shall contain space for insertion of information as required for the application blank under K.S.A. 74-5317 and amendments thereto, addressing the same to the post office address given at the last previous renewal. In addition, The (a) An~~ application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(b) A licensee shall submit the application to the board with a renewal fee fixed by rules and regulations of the board not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal license for the period commencing on the date on which the license is issued and expiring on June 30 of the next even-numbered year. Initial licenses shall be for the current biennium of registration.

(c) Applications for renewal of a license shall be made biennially on or before July 1 and, if not so made, an additional fee equal to the renewal fee shall be added to the regular renewal fee.

(d) Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after July 1 shall be in violation of the licensure of psychologists act of the state of Kansas. The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.

(e) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 69. K.S.A. 2015 Supp. 74-5324 is hereby amended to read as follows: 74-5324. (a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any psychologist upon proof that the psychologist: (a) Has been convicted of a felony involving moral turpitude; or (b) has been guilty of fraud or deceit in connection with services rendered as a psychologist or in establishing qualifications under this act; or (c) has aided or abetted a person, not a licensed psychologist, in representing such person as a psychologist in this state; or (d) has been guilty of unprofessional conduct as defined by rules and regulations established by the board; or (e) has been guilty of negligence or wrongful actions in the performance of duties; or (f) has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement or (g) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for a license:

(1) Is incompetent to practice psychology, which means:

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice psychology;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of psychologists act of the state of Kansas or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a registration, license or certificate as a psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of

the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a 2/3 majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the licensure of psychologists act of the state of Kansas shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the licensure of psychologists of the state of Kansas act shall be in accordance with the Kansas judicial review act.

Sec. 70. K.S.A. 74-5361 is hereby amended to read as follows: 74-5361. As used in this act:

(a) "Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.

(b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

(c) "~~Licensed masters~~ master's level psychologist" means a person licensed by the board under the provisions of this act.

(d) "Licensed clinical psychotherapist" means a person licensed by the board under this act who engages in the independent practice of ~~masters~~ master's level psychology including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(e) "~~Masters~~ Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

Sec. 71. K.S.A. 74-5362 is hereby amended to read as follows: 74-5362. (a) Any person who is licensed under the provisions of this act as a licensed ~~masters~~ master's level psychologist shall have the right to practice psychology ~~only insofar as such practice is part of the duties of such person's paid position and is performed solely on behalf of the employer,~~ so long as such practice is under the direction of a licensed clinical psychotherapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a ~~licensed masters level psychologist~~ licensee under the licensure of master's level psychologists act shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed ~~masters~~ master's level psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(b) A licensed ~~masters~~ master's level psychologist may use the title licensed ~~masters~~ master's level psychologist and the abbreviation LMLP but may not use the title licensed psychologist or psychologist. A licensed clinical psychotherapist may use the title licensed clinical psychotherapist and the abbreviation LCP but may not use the title licensed psychologist or psychologist.

Sec. 72. K.S.A. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall license as a licensed ~~masters~~ master's level psychologist any applicant for licensure who pays the fee prescribed by the board under K.S.A. 74-5365, and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection ~~(b)~~. An applicant for licensure also shall submit evidence ~~verified under oath and~~ satisfactory to the board that such applicant:

- (1) Is at least 21 years of age;
- (2) has satisfied the board that the applicant is a person who merits public trust;
- (3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;
- (4) has completed 750 clock hours of academically supervised practicum in the master's degree program or 1,500 clock hours of postgraduate supervised work experience;
- (5) has passed an examination approved by the board with a minimum score set by the board by rules and regulations ~~at 10 percentage points below the score set by the board for licensed psychologists.~~

(c) (1) Applications for licensure as a clinical psychotherapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed ~~masters~~ master's level psychologist or meets all requirements for licensure as a ~~masters~~ master's level psychologist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of ~~the following content areas:~~ Psychopathology, diagnostic

assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education requirements for licensure as a licensed ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary ~~permit license~~ to practice as a licensed ~~masters~~ master's level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under ~~parts subparagraphs~~ (B), (C) and (D) ~~of this subsection~~, has completed the education and training requirements for licensure as a ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board with the same minimum passing score as that set by the board for licensed psychologists; and

(H) has paid the application fee, if required by the board.

(2) A person who was licensed or registered as a ~~masters~~ master's level psychologist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of ~~masters~~ master's level psychology as a registered or licensed ~~masters~~ master's level psychologist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical psychotherapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders;

or

(C) attestation from one professional licensed to diagnose and treat mental

disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical psychotherapist may engage in the independent practice of ~~masters~~ master's level psychology and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical psychotherapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical psychotherapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item (3)~~ of subsection (b)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 73. K.S.A. 74-5365 is hereby amended to read as follows: 74-5365. (a) The application, issuance of a new license and renewal fee for licensure under this act shall following fees may be fixed by the board by rules and regulations in an amount not to exceed \$200; for licensure under the licensure of master's level psychologists act: For application, issuance of a new license and renewal of a license, an amount not to exceed \$200; for replacement of a license, an amount not to exceed \$20; and for a wallet card license, an amount not to exceed \$5. Any such fees required by the board shall be established by rules and regulations adopted by the board.

(b) Fees paid to the board are not refundable.

(c) The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed ~~masters~~ master's level psychologist and a licensed clinical psychotherapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 74. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary license to practice as a licensed ~~masters~~ master's level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed ~~masters~~

master's level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.

(b)-(1) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice ~~masters~~ master's level psychology or 24 months after the date of issuance of the temporary license. No temporary license issued by the board will be renewed or issued again on any subsequent applications for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(2) ~~A temporary licensee shall take the examination within the first 12 months subsequent to the issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the examination within the first 12 months subsequent to the issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first 12 months.~~

(c) The board ~~shall~~ may fix by rules and regulations a fee for the application of the temporary license. The application fee shall not exceed \$100. Any such fee shall be established by rules and regulations adopted by the board.

(d) A person practicing ~~masters~~ master's level psychology with a temporary license may not use the title "licensed ~~masters~~ master's level psychologist" or the initials "LMLP" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed ~~masters~~ master's level psychologist by temporary license, or ~~masters~~ master's level psychologist licensed by temporary license.

(e) No person may work under a temporary license except under the supervision of a person licensed to practice psychology or ~~masters~~ master's level psychology in Kansas.

(f) The application for a temporary license may be denied or a temporary license which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369, and amendments thereto.

(g) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 75. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, may be denied or a license granted under this act may be suspended, limited, revoked, have a condition placed on it or not renewed by the board upon proof that the applicant or licensee:~~

- (a) ~~Has been convicted of a felony involving moral turpitude;~~
- (b) ~~has been found guilty of fraud or deceit in connection with the rendering of professional services or in establishing such person's qualifications under this act;~~
- (c) ~~has aided or abetted a person not licensed as a psychologist, licensed under this act or an uncertified assistant, to hold oneself out as a psychologist in this state;~~
- (d) ~~has been guilty of unprofessional conduct as defined by rules and regulations of~~

the board;

(e) has been guilty of neglect or wrongful duties in the performance of duties; or  
 (f) (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:

(1) Is incompetent to practice psychology, which means:

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice master's level psychology;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of master's level psychologists act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the board; or

(10) has had a registration, license or certificate as a ~~masters~~ master's level psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) ~~Administrative proceedings under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, and disciplinary actions regarding licensure under the licensure of master's level psychologists act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, the licensure of~~

master's level psychologists act shall be in accordance with the Kansas judicial review act.

Sec. 76. K.S.A. 74-5370 is hereby amended to read as follows: 74-5370. The board may adopt rules and regulations to administer the provisions of ~~K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto~~ the licensure of master's level psychologists act.

Sec. 77. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the ~~masters~~ master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the ~~masters~~ master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice psychology at the ~~masters~~ master's level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a ~~masters~~ master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2) of subsection (a)(1) or (a)(2)~~ and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 78. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5375, 74-5374 and K.S.A. 2015 Supp. 74-5375,~~ and amendments thereto, shall be known and may be cited as the licensure of ~~masters~~ master's level psychologists act.

Sec. 79. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and~~

amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or ~~the addictions~~ addiction counselor licensure act;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, are licensed under the licensure of psychologists act of the state of Kansas, ~~are licensed under the professional counselors licensure act, are licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, are licensed under the marriage and family therapists licensure act or ~~are licensed under the addictions~~ addiction counselor licensure act;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or ~~the addictions~~ addiction counselor licensure act;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or the ~~addictions~~ addiction counselor licensure act;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, ~~licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~licensed under the marriage and family therapists licensure act or licensed under the addictions~~ addiction counselor licensure act;

(7) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, ~~licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~licensed under the marriage and family therapists licensure act or licensed under the addictions~~ addiction counselor licensure act;

(8) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under K.S.A. 65-6301 to 65-6318, inclusive, and

amendments thereto;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, ~~for licensure under the professional counselors licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~for licensure under the marriage and family therapists licensure act, for licensure under the addictions~~ addiction counselor licensure act and for issuance of such certificates and such licenses;

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act and the ~~addictions~~ addiction counselor licensure act and to carry out the purposes thereof;

(11) appoint an executive director and other employees as provided in K.S.A. 74-7501, and amendments thereto; and

(12) exercise such other powers and perform such other functions and duties as may be prescribed by law.

(b) ~~The behavioral sciences regulatory board, in addition to any other penalty, may assess an administrative penalty, after notice and an opportunity to be heard, against a licensee or registrant for a violation of any of the provisions of the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the addictions counselor licensure act in an amount not to exceed \$1,000. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.~~

(c) ~~If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the actual costs shall be charged to such person as in ordinary civil actions in the district court in an amount not to exceed \$200. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.~~

Sec. 80. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as follows: 74-7508. (a) In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the behavioral sciences regulatory board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the behavioral sciences, or other public or private agency if such

document, report, record or other physical evidence relates to practices which may be grounds for disciplinary action.

(b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices which may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized agent to produce documents, reports, records or other physical evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid license a profession regulated by the board for which the practitioners of the profession are required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the licensure of psychologists act, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act, or any valid rule or regulation of the board, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

(c) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the behavioral sciences regulatory board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be redisclosed by the receiving agency except as otherwise authorized by law.

(d) Nothing in this section or any other provision of law making communications between a practitioner of one of the behavioral sciences and the practitioner's client or patient a privileged or confidential communication shall apply to investigations or proceedings conducted pursuant to this section. The behavioral sciences regulatory board and its employees, agents and representatives shall keep in confidence the content and the names of any clients or patients whose records are reviewed during the course of investigations and proceedings pursuant to this section.

(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) In all matters pending before the behavioral sciences regulatory board, the board shall have the option to censure the licensee or registrant in lieu of other disciplinary action.

Sec. 81. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of

addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(e)(h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to ~~subsection (b) or (e)~~ of K.S.A. 59-29b54 (b) or (c), and amendments thereto.

~~(f)~~ (i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in ~~subsection (k)~~ (m); or

(2) uses alcoholic beverages or any substance ~~as defined in subsection (k)~~ to the extent that the person's health may be substantially impaired or endangered without treatment.

~~(g)~~ (j) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, ~~as defined in subsection (f)~~; who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance ~~as defined in subsection (k)~~, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate

responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

~~(h)~~ (k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

~~(i)~~ (l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

~~(j) "State certified alcohol and drug abuse counselor" means a person approved by the secretary for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.~~

~~(k)~~ (m) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

~~(l)~~ (n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

~~(m)~~ (o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and

amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

~~(#)~~ (p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 82. K.S.A. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at Osawatomie state hospital or at Larned state hospital may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;
- (4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and
- (5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;
- (4) the factual circumstances in support of that belief;
- (5) any pending criminal charges, if known;
- (6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and
- (7) the application shall also be accompanied by a statement in writing of a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.

(d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 83. K.S.A. 59-29b61 is hereby amended to read as follows: 59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of K.S.A. 59-29b60(a)(5), and amendments thereto, shall be served in the manner provided for in subsections (c) and (d) of K.S.A. 59-29b63(c) and (d), and amendments thereto.~~ It shall order the proposed patient to submit to an evaluation to be conducted by a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor and to undergo such other medical examinations or evaluations as may be designated by the court in the order, except that any proposed patient who is not subject to a temporary custody order issued pursuant to K.S.A. 59-29b59, and amendments thereto, and who requests a hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not submit to such evaluations or examinations until that hearing has been held and the court finds that there is probable cause to believe that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act. The evaluation may be conducted at a treatment facility, the home of the proposed patient or any other suitable place that the court determines is not likely to have a harmful effect on the welfare of the proposed patient.

(b) At the time designated by the court in the order, but in no event later than three days prior to the date of the trial provided for in K.S.A. 59-29b65, and amendments thereto, the examiner shall submit to the court a report, in writing, of the evaluation which report also shall be made available to counsel for the parties at least three days prior to the trial. The report also shall be made available to the proposed patient and to whomever the patient directs, unless for good cause recited in the order, the court orders otherwise. Such report shall state that the examiner has made an examination of the proposed patient and shall state the opinion of the examiner on the issue of whether or not the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and the examiner's opinion as to the least restrictive treatment alternative which will protect the proposed patient and others and allow for the improvement of the proposed patient if treatment is ordered.

Sec. 84. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file, a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the proposed ward's or

ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949;~~(b)(3) or subsection (b)(3) of K.S.A. 59-29b49(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional, which shows that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946~~(e), ~~subsection (f) of K.S.A. 59-29b46~~(i) or K.S.A. 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, or that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of

that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward, at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d) (1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or

ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(i)~~ or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b, and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 85. K.S.A. 65-4016 is hereby amended to read as follows: 65-4016. The secretary shall adopt rules and regulations with respect to treatment facilities to be licensed and designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare ~~including, but not limited to, minimum qualifications for employees of licensed or certified programs which are less than the qualifications required for a registered alcohol and other drug abuse counselor.~~ Boards of trustees or directors of institutions licensed under this act shall have the right

to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel.

Sec. 86. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as follows: 65-4024a. As used in this act:

- (a) "Act" means the alcohol or other drug addiction treatment act.
- (b) "Alcohol or other drug addiction" means a pattern of substance use, leading to significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:
  - (1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;
  - (2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;
  - (3) the substance is often taken in larger amounts or over a longer period than was intended;
  - (4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;
  - (5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;
  - (6) important social, occupational or recreational activities are given up or reduced because of substance use;
  - (7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.
- (c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.
- (d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.
- (e) ~~"Counselor" means an individual whose education, experience and training has been evaluated and approved by the Kansas department for aging and disability services to provide the scope of practice afforded to an alcohol and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.~~
- (~~f~~)—"Department" means the Kansas department for aging and disability services.
- (~~g~~)(f) "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.
- (~~h~~)(g) "Discharge" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.
- (~~i~~)(h) "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.
- (~~j~~)(i) "Head of the treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.
- (~~k~~)(j) "Incapacitated by alcohol" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.
- (~~l~~)(k) "Intoxicated individual" means an individual who is under the influence of

alcohol or drugs or both.

~~(m)(l)~~ "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(m)~~ "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

~~(n)~~ "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

~~(o)~~ "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

~~(p)~~ "Patient" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(q)~~ "Private treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(r)~~ "Public treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(s)~~ "Treatment" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(t)~~ "Treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(u)~~ "Secretary" means the secretary for aging and disability services.

New Sec. 87. This act shall be known and may be cited as the interstate medical licensure compact.

## INTERSTATE MEDICAL LICENSURE COMPACT

### SECTION 1

#### PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise

change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

## SECTION 2 DEFINITIONS

In this compact:

(a) "Bylaws" means those bylaws established by the interstate commission pursuant to section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(e) "Interstate commission" means the interstate commission created pursuant to section 11.

(f) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(g) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(h) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government.

(i) "Member state" means a state that has enacted the compact.

(j) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(k) "Physician" means any person who:

(1) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the international medical education directory or its equivalent;

(2) passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(3) successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;

(4) holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's

bureau of osteopathic specialists;

(5) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(6) has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(7) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(8) has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and

(9) is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

(l) "Offense" means a felony, gross misdemeanor or crime of moral turpitude.

(m) "Rule" means a written statement by the interstate commission promulgated pursuant to section 12 of the compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

(n) "State" means any state, commonwealth, district or territory of the United States.

(o) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

### SECTION 3 ELIGIBILITY

(a) A physician must meet the eligibility requirements as defined in section 2(k) to receive an expedited license under the terms and provisions of the compact.

(b) A physician who does not meet the requirements of section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

### SECTION 4 DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

- (1) The state of primary residence for the physician;
- (2) the state where at least 25% of the practice of medicine occurs;
- (3) the location of the physician's employer; or
- (4) if no state qualifies under subsection (a)(1), subsection (a)(2) or subsection (a)(3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any

time, as long as the state meets the requirements in subsection (a).

(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

#### SECTION 5 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

SECTION 6  
FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

SECTION 7  
RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) has not been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(4) has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician's license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

SECTION 8  
COORDINATED INFORMATION SYSTEM

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

(d) Member boards may report any non-public complaint, disciplinary or investigatory information not required by subsection (c) to the interstate commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the interstate commission or distributed by member

boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

#### SECTION 9 JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

#### SECTION 10 DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct, which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90-day

suspension period in a manner consistent with the medical practice act of that state.

SECTION 11  
INTERSTATE MEDICAL LICENSURE  
COMPACT COMMISSION

(a) The member states hereby create the interstate medical licensure compact commission.

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be:

- (1) An allopathic or osteopathic physician appointed to a member board;
- (2) an executive director, executive secretary or similar executive of a member board; or
- (3) a member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

- (1) Relate solely to the internal personnel practices and procedures of the interstate commission;
- (2) discuss matters specifically exempted from disclosure by federal statute;
- (3) discuss trade secrets, commercial or financial information that is privileged or confidential;

- (4) involve accusing a person of a crime, or formally censuring a person;
- (5) discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) discuss investigative records compiled for law enforcement purposes; or
- (7) specifically relate to the participation in a civil action or other legal proceeding.
- (i) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.
- (j) The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.
- (k) The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.
- (l) The interstate commission may establish other committees for governance and administration of the compact.

SECTION 12  
POWERS AND DUTIES OF  
THE INTERSTATE COMMISSION

The interstate commission shall have the duty and power to:

- (a) Oversee and maintain the administration of the compact;
- (b) promulgate rules which shall be binding to the extent and in the manner provided for in the compact;
- (c) issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules and actions;
- (d) enforce compliance with compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
- (e) establish and appoint committees including, but not limited to, an executive committee as required by section 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties;
- (f) pay, or provide for the payment of the expenses related to the establishment, organization and ongoing activities of the interstate commission;
- (g) establish and maintain one or more offices;
- (h) borrow, accept, hire or contract for services of personnel;
- (i) purchase and maintain insurance and bonds;
- (j) employ an executive director who shall have such powers to employ, select or appoint employees, agents or consultants, and to determine their qualifications, define their duties and fix their compensation;
- (k) establish personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(l) accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it in a manner consistent with the conflict of interest policies established by the interstate commission;

(m) lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed;

(n) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(o) establish a budget and make expenditures;

(p) adopt a seal and bylaws governing the management and operation of the interstate commission;

(q) report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;

(r) coordinate education, training and public awareness regarding the compact, its implementation and its operation;

(s) maintain records in accordance with the bylaws;

(t) seek and obtain trademarks, copyrights and patents; and

(u) perform such functions as may be necessary or appropriate to achieve the purposes of the compact.

#### SECTION 13 FINANCE POWERS

(a) The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission.

#### SECTION 14 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within 12 months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall

have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in subsection (b) shall serve without remuneration from the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

#### SECTION 15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the

foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the "model state administrative procedure act" of 2010, and subsequent amendments thereto.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

#### SECTION 16 OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law, but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact, which may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact or promulgated rules.

#### SECTION 17 ENFORCEMENT OF INTERSTATE COMPACT

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

#### SECTION 18 DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

(2) provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state, which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

#### SECTION 19 DISPUTE RESOLUTION

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

SECTION 20  
MEMBER STATES, EFFECTIVE  
DATE AND AMENDMENT

- (a) Any state is eligible to become a member state of the compact.
- (b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.
- (c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.
- (d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

SECTION 21  
WITHDRAWAL

- (a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.
- (b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.
- (c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.
- (d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided under subsection (c).
- (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.
- (f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.
- (g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

SECTION 22  
DISSOLUTION

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state, which reduces the membership in the compact to one member state.

(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

SECTION 23  
SEVERABILITY AND CONSTRUCTION

(a) The provisions of the compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of the compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

SECTION 24  
BINDING EFFECT OF COMPACT  
AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

New Sec. 88. The provisions of sections 88 through 96, and amendments thereto, shall be known and may be cited as the independent practice of midwifery act.

New Sec. 89. As used in the independent practice of midwifery act:

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

(b) "Certified nurse-midwife" means an individual who:

(1) Is educated in the two disciplines of nursing and midwifery;

(2) is currently certified by a certifying board approved by the state board of nursing; and

(3) is currently licensed under the Kansas nurse practice act.

(c) "Independent practice of midwifery" means the provision of clinical services by a certified nurse-midwife without the requirement of a collaborative practice agreement with a person licensed to practice medicine and surgery when such clinical services are

limited to those associated with a normal, uncomplicated pregnancy and delivery, including:

- (1) The prescription of drugs and diagnostic tests;
- (2) the performance of episiotomy or repair of a minor vaginal laceration;
- (3) the initial care of the normal newborn; and
- (4) family planning services, including treatment or referral of male partners for sexually-transmitted infections.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 90. (a) In order to obtain authorization to engage in the independent practice of midwifery, a certified nurse-midwife must meet the following requirements:

- (1) Be licensed to practice professional nursing under the Kansas nurse practice act;
- (2) have successfully completed a course of study in nurse-midwifery in a school of nurse-midwifery approved by the board;
- (3) have successfully completed a national certification approved by the board;
- (4) have successfully completed a refresher course as defined by rules and regulations of the board, if the individual has not been in active midwifery practice for five years immediately preceding the application;
- (5) be authorized to perform the duties of a certified nurse-midwife by the state board of nursing;
- (6) be licensed as an advanced practice registered nurse by the state board of nursing; and
- (7) have paid all fees for licensure prescribed in section 92, and amendments thereto.

(b) Upon application to the board by any certified nurse-midwife and upon satisfaction of the standards and requirements established under this act, the board shall grant an authorization to the applicant to engage in the independent practice of midwifery.

(c) A person whose licensure has been revoked may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, which application shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 91. (a) Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board, unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration, by mail, addressed to the licensee's last known mailing address. If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, the renewal fee, and the late renewal fee are received by the board within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(c) The board may require any licensee, as a condition of renewal, to submit with the application of renewal evidence of satisfactory completion of a program of

continuing education as required by rules and regulations of the board.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 92. (a) The board shall charge and collect, in advance, fees for certified nurse-midwives, as established by the board, not to exceed:

Application for license .....	\$100
License renewal .....	\$100
Late license renewal .....	\$100
License reinstatement fee .....	\$100
Revoked license fee .....	\$100
Certified copy of license .....	\$50
Verified copy of license .....	\$25

(b) The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such amount shall be credited to the state general fund, and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or persons designated by the president.

(c) The provisions of this section shall become effective on January 1, 2017.

New Sec. 93. (a) It shall be unlawful for a person to engage in the independent practice of midwifery without a collaborative practice agreement with a person licensed to practice medicine and surgery, unless such certified nurse-midwife holds a license from the state board of nursing and the board.

(b) The provisions of this section shall become effective on January 1, 2017.

New Sec. 94. (a) The board, in consultation with the state board of nursing, shall adopt rules and regulations pertaining to certified nurse-midwives engaging in the independent practice of midwifery and governing the ordering of tests, diagnostic services and prescribing of drugs and referral or transfer to physicians in the event of complications or emergencies. Such rules and regulations shall not be adopted until the state board of nursing and the board have consulted and concurred on the content of each rule and regulation. Such rules and regulations shall be adopted no later than January 1, 2017.

(b) A certified nurse midwife engaging in the independent practice of midwifery shall be subject to the provisions of the independent practice of midwifery act with respect to the ordering of tests, diagnostic services and prescribing of drugs, and shall not be subject to the provisions of K.S.A. 65-1130, and amendments thereto.

(c) The standards of care for certified nurse-midwives in the ordering of tests, diagnostic services and the prescribing of drugs shall be those standards which protect patients and shall be standards comparable to persons licensed to practice medicine and surgery providing the same services.

(d) The board is hereby authorized to solely adopt those rules and regulations necessary to administer the administrative provisions of this act.

New Sec. 95. (a) The board may deny, revoke, limit or suspend any license or authorization issued to a certified nurse-midwife to engage in the independent practice of midwifery that is issued by the board or applied for under this act, or may publicly censure a licensee or holder of a temporary permit or authorization, if the applicant or licensee is found after a hearing:

(1) To be guilty of fraud or deceit while engaging in the independent practice of midwifery or in procuring or attempting to procure a license to engage in the independent practice of midwifery;

(2) to have been found guilty of a felony or to have been found guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice and engage in the independent practice of midwifery shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) to have committed an act of professional incompetence as defined in subsection (c);

(4) to be unable to practice the healing arts with reasonable skill and safety by reason of impairment due to physical or mental illness or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery or release to any person or entity outside of a board proceeding. The provisions of this paragraph providing confidentiality of records shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022;

(5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;

(7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act;

(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to have been publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country, or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph; or

(9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty to a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, 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. 60-4404, and amendments thereto; or

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state, except the crime of perjury as defined in K.S.A. 2015 Supp. 21-5903, and amendments thereto.

(c) As used in this section, "professional incompetency" means:

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

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to engage in the independent practice of midwifery.

(d) The board, upon request, shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions, as necessary, for the purpose of determining initial and continuing qualifications of licensees and applicants for licensure by the board.

(e) The provisions of this section shall become effective on January 1, 2017.

New Sec. 96. (a) There is hereby established a nurse-midwives council to advise the board in carrying out the provisions of this act. The council shall consist of seven members, all residents of the state of Kansas appointed as follows: Two members shall be licensees of the board, appointed by the board, who are licensed to practice medicine and surgery and whose specialty and customary practice includes obstetrics; one member shall be the president of the board or a board member designated by the president; and four members shall be licensed certified nurse-midwives appointed by the board of nursing.

(b) If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any.

Sec. 97. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130 is hereby amended to read as follows: (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse unless such professional nurse has complied with requirements established by the board and holds a valid license as an advanced practice registered nurse in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards

and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced practice registered nurses which:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this ~~subsection (c)(3)~~ paragraph which is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse, which protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and which authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a licensure as an advanced practice registered nurse; (B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board; (C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced practice registered nurse may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced practice registered nurse shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse exceed the normal and customary practice of the responsible physician. An advanced practice

registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~; and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~; and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse when prescribing drugs.

(e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.

(g) An advanced practice registered nurse certified in the role of certified nurse-midwife and engaging in the independent practice of midwifery under the independent practice of midwifery act with respect to prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

Sec. 98. On and after January 1, 2017, K.S.A. 2015 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) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "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.

(e) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(f) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed.

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

(h) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs 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.

(i) "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.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

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

(l) "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.

(m) "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.

(n) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(o) "Distribute" means to deliver, other than by administering or dispensing, any drug.

(p) "Distributor" means a person who distributes a drug.

(q) "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 person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel."

(r) "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~~ human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of ~~man~~ human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (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.

(s) "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; or (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(t) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(u) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(v) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(w) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(x) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(y) "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.

(z) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a

written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

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

(bb) (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.

(cc) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(dd) "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.

(ee) "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 people with intellectual disability.

(ff) "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.

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

(hh) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016,~~ pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(ii) "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.

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

(kk) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(ll) "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.

(mm) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who has successfully passed equivalency examinations approved by the board.

(nn) "Pharmacy," "drugstore" 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.

(oo) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers, and is controlled by the pharmacy.

(pp) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary 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.

(qq) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(rr) "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.

(ss) "Prescriber" means a practitioner or a mid-level practitioner.

(tt) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

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

(vv) "Prescription-only drug" means any drug whether intended for use by ~~man~~ human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ww) "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.

(xx) "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.

(yy) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(zz) "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.

(aaa) "Secretary" means the executive secretary of the board.

(bbb) "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.

(ccc) "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.

(ddd) "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.

(eee) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

(fff) "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 nonhuman.

(ggg) "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.

(hhh) "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. 99. On and after January 1, 2017, K.S.A. 2015 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

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

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which such individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in

K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of ~~man~~ human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3) ~~of this subsection~~. It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers

and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A.

65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016,~~ pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

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

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.";

Also on page 11, in line 30, after the first "K.S.A." by inserting "59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338, 74-5361, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and"; also in line 30, after "Supp." by inserting "59-29b46, 59-3077,"; in line 31, before "and" by inserting ", 65-2872, 65-2901, 65-2913, 65-4024a, 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508";

Also on page 11, following line 31, by inserting:

"Sec. 101. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130, 65-1626 and 65-4101 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 4 and inserting:

"AN ACT concerning healthcare providers; relating to powers, duties and functions thereof; licensure requirements; regulation; acupuncturists; certified nurse-midwives; physical therapists; professions regulated by the behavioral science regulatory board; amending K.S.A. 59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and 75-6120 and K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-1130, 65-1431, 65-1626, 65-2809, 65-2872, 65-2901, 65-2913, 65-4024a, 65-4101, 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508 and 75-6102 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337.";

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

MICHAEL O'DONNELL

ELAINE BOWERS

LAURA KELLY

*Conferees on part of Senate*

DANIEL HAWKINS

WILLIE DOVE

JIM WARD

*Conferees on part of House*

Senator O'Donnell moved to adopt the conference committee report on **HB 2615**.

Senator Pilcher-Cook offered a substitute motion to not adopt the conference committee report on **HB 2615** and appoint a fourth conference. The motion prevailed.

The President appointed Senators O'Donnell, Bowers and Kelly as fourth conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 149** 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. 149, as follows:

On page 3, following line 36, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 12-6a31 is hereby amended to read as follows: 12-6a31.

(a) In addition to and notwithstanding any limitations on the aggregate amount of the retailers' sales tax contained in K.S.A. 12-187 through 12-197, and amendments thereto, any municipality may impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers' sales tax act, and amendments thereto, within a community improvement district for purposes of financing a project in such district in any increment of 0.10% or 0.25% not to exceed 2% and pledging the revenue received therefrom to pay the bonds issued for the project or to reimburse the cost of the project pursuant to pay-as-you-go financing. In the event bonds are issued to finance a project or refunding bonds issued therefore, the community improvement district sales tax imposed pursuant to this section shall expire no later than the date such bonds shall mature. In the event pay-as-you-go financing is utilized, the community improvement district sales tax shall expire 22 years from the date the state director of taxation begins collecting such tax or when the project bonds or pay-as-you-go costs have been paid. Except as otherwise provided by the provisions of K.S.A. 2015 Supp. 12-6a27 et seq., and amendments thereto, the tax authorized by this section shall be administered, collected and subject to the provisions of K.S.A. 12-187 through 12-197, ~~inclusive~~, and amendments thereto.

(b) Upon receipt of a certified copy of the resolution or ordinance authorizing the levy of the community improvement district sales tax pursuant to this section, the state director of taxation shall cause such tax to be collected in the district at the same time and in the same manner provided for the collection of the state retailers' sales tax. All of the taxes collected under the provisions of this act shall be remitted by the secretary of

revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, and the state treasurer shall credit 2% of all taxes so collected to the community improvement district sales tax administration fund, which fund is hereby established in the state treasury, to defray the expenses of the department of revenue in administration and enforcement of the collection thereof. The aggregate amount of moneys credited to the community improvement district sales tax administration fund shall not exceed ~~\$60,000~~ \$200,000 in any state fiscal year. The remainder of such taxes shall be credited to the community improvement district sales tax fund, which fund is hereby established in the state treasury. All moneys in the community improvement district sales tax fund shall be remitted at least quarterly by the state treasurer, on instruction from the secretary of revenue, to the treasurers of those municipalities which are qualified to receive disbursements from such fund for the amount collected within such municipality. Any refund due on any community improvement district sales tax collected pursuant to this section shall be paid out of the community improvement district sales tax refund fund which is hereby established in the state treasury and reimbursed by the director of taxation from collections of the community improvement district sales tax authorized by this section. Community improvement district sales tax received by a municipality pursuant to this section shall be deposited in the community improvement district sales tax fund created pursuant to K.S.A. 2015 Supp. 12-6a34, and amendments thereto.

(c) Notwithstanding any other provisions of law to the contrary, copies of all retailers' sales and use tax returns filed with the secretary of revenue in connection with a district for which sales or use tax revenues, or both, are pledged or otherwise intended to be used in whole or in part for the payment of bonds issued to finance costs of a project, shall be provided by the secretary of revenue to the bond trustee, escrow agent or paying agent for such bonds upon a written request of the municipality within 15 days of receipt by the secretary of revenue. The bond trustee, escrow agent or paying agent shall keep such retailers' sales and use tax returns and the information contained therein confidential, but may use such information for purposes of allocating and depositing such sales and use tax revenues in connection with the bonds used to finance costs of a project. Except as otherwise provided herein, the sales and use tax returns received by the bond trustee, escrow agent or paying agent shall be subject to the provisions of K.S.A. 79-3614, and amendments thereto.

Sec. 5. K.S.A. 2015 Supp. 79-3399 is hereby amended to read as follows: 79-3399. (a) On and after ~~July 1, 2016~~ January 1, 2017, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of \$.20 per milliliter of consumable material for electronic cigarettes and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (1) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (2) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (3) sells electronic cigarettes to consumers within this state.

(b) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Sec. 6. K.S.A. 2015 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political

subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h),

and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a

bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a

person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2015 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq., or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to

homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" shall have the meaning ascribed thereto by K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which

meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes.

As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be

ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or

facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing

business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides,

germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and

families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be

so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be

so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute

invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon

conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgewick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section

501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the

general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified

hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of

constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the

purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for

TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to

section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the

purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of

the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need; ~~and~~

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; and

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such

certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019.

Sec. 7. K.S.A. 79-3606d is hereby amended to read as follows: 79-3606d. (a) The following shall be exempt from the tax imposed by the Kansas retailers' sales tax act: All sales of tangible personal property and services purchased during calendar year ~~1996~~ 2016, necessary to construct, reconstruct, repair or replace any fence which was damaged or destroyed by fire occurring during calendar year ~~1996~~ 2016, and the purpose for which is to enclose land devoted to agricultural use. Sales tax paid on and after January 1, ~~1996~~ 2016, but prior to the effective date of this act upon the gross receipts received from any such sale shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this section. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee.

(b) The provisions of this section shall be deemed to be supplemental to the Kansas retailers' sales tax act.";

Also on page 3, in line 37, after "K.S.A." by inserting "79-3606d and K.S.A."; also in line 37, after "Supp." by inserting "12-6a31,"; also in line 37, by striking "is" and inserting ", 79-3399 and 79-3606 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the first "income tax" and inserting "taxation"; in line 3, after the semicolon by inserting "community improvement district sales tax administration fund; electronic cigarettes; sales tax exemptions, Gove county healthcare endowment foundation, inc., certain sales of tangible personal property purchased to rebuild or repair certain fences;"; also in line 3, after "K.S.A." by inserting "79-3606d and K.S.A."; also in line 3, after "Supp." by inserting "12-6a31,"; also in line 3, after "74-8133" by inserting ", 79-3399 and 79-3606"; in line 4, by striking "section"

and inserting "sections";

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

MARVIN KLEEB  
 GENE SUELLENTROP  
 TOM SAWYER

*Conferees on part of House*

LES DONOVAN  
 CARYN TYSON  
 TOM HOLLAND

*Conferees on part of Senate*

Senator Donovan moved the Senate adopt the Conference Committee Report on **H Sub SB 149**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Knox, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 193** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 39; following line 39, by inserting:

"Section 1. K.S.A. 2015 Supp. 72-89d02 is hereby amended to read as follows: 72-89d02. As used in K.S.A. 2015 Supp. 72-89d01 through 72-89d07, and amendments thereto:

(a) "Appointing authority" means a group of persons empowered by statute to make human resource decisions that affect the employment of officers.

(b) "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(c) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(d) "Commissioner" means the commissioner of education.

(e) "Complaint" means a written document that a parent files with a local board as provided for in this act.

(~~a~~)-(f) "Department" means the state department of education.

~~(b)~~-(g) "Emergency safety intervention" means the use of seclusion or physical restraint, but does not include the use of time-out.

(h) "Hearing officer" means the state department employee designated to conduct an administrative review.

(i) "Incident" means each occurrence of the use of an emergency safety intervention.

(j) "Law enforcement officer" and "police officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

(k) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

(l) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.

(m) "Mechanical restraint" means any device or object used to limit a student's movement.

~~(e)~~-(n) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

(o) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder or back of a student who is acting out for the purpose of inducing the student to walk to a safe location. Physical escort shall not be considered an emergency safety intervention.

~~(d)~~-(p) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

~~(e)~~-(q) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board of education.

(r) "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(s) "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

~~(f)~~-(t) "Seclusion" means placement of a student in a location where all the following conditions are met:

- (1) The student is placed in an enclosed area by school personnel;
- (2) the student is purposefully isolated from adults and peers; and
- (3) the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

(u) "State board" means the Kansas state board of education.

(v) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

Sec. 2. K.S.A. 2015 Supp. 72-89d03 is hereby amended to read as follows: 72-89d03. (a) Emergency safety interventions shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention. Use of an emergency safety intervention for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(b) A student shall not be subjected to ~~seclusion~~ an emergency safety intervention if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ~~seclusion~~ the emergency safety intervention. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file. Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions. Notwithstanding the provisions of this subsection, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

(c) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

(d) All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

(e) A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student, and shall be well-ventilated and sufficiently lighted.

(f) The following types of restraint shall be prohibited:

(1) Prone, or face-down, physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication;

(2) chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments; and

(3) mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a certified law enforcement officer in carrying out law enforcement duties, seatbelts and any other safety equipment when used to secure

students during transportation.

(g) Each local board shall develop and implement written policies to govern the use of emergency safety interventions in schools. At a minimum, written district policies shall conform to the standards, definitions and requirements of this act.

Such written policies shall include that:

(1) (A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

(B) training shall address prevention techniques, de-escalation techniques and positive behavioral intervention strategies;

(C) training shall be consistent with nationally recognized training programs; and

(D) schools shall maintain written or electronic documentation on training provided and lists of participants in each training for inspection by the Kansas state board of education;

(2) a local dispute resolution process shall be developed, which shall include the following:

(A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used on the parent's child in violation of the act, rules and regulations or the local board's emergency safety intervention policy, the parent may file a complaint within 30 days of the date on which the parent was informed of the use of the emergency safety intervention;

(B) a procedure for complaint investigation;

(C) a procedure to implement a dispute-resolution final decision. The local board's decision shall be in writing and shall include findings of fact and any corrective action required by the school if the local board deems such action necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the the local board's receipt of the complaint; and

(D) a procedure setting out the parent's right to request an administrative review by the state board, including information as to the deadline by which the parent must submit the request to the state board;

(3) a system for the collection and maintenance of documentation for each use of an emergency safety intervention as set forth in K.S.A. 2015 Supp. 72-89d04, and amendments thereto;

(4) a procedure for the periodic review of the use of emergency safety interventions at each school, which shall be compiled and submitted at least biannually to the superintendent or the superintendent's designee; and

(5) a schedule for when and how parents are provided with notice of the local board's written policies on the use of emergency safety interventions.

(h) Written policies developed pursuant to this act shall be accessible on each school's website and shall be included in each school's code of conduct, school safety plan or student handbook.

(i) (1) Campus police officers and school resource officers shall be exempt from the requirements of this act when engaged in an activity that has a legitimate law enforcement purpose.

(2) School security officers shall not be exempt from the requirements of this act.

Sec. 3. K.S.A. 2015 Supp. 72-89d04 is hereby amended to read as follows: 72-89d04. (a) (1) When a student is subjected to an emergency safety intervention, the

school shall notify the parent, or if a parent cannot be notified, then shall notify an emergency contact person for such student, on the same day the emergency safety intervention was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Written documentation of the use of an emergency safety interventions used intervention shall be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the emergency safety intervention; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the emergency safety intervention; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and (G) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the emergency safety interventions is the same.

(2) The parent shall be provided the following information after the first incident in which an emergency safety intervention is used during the school year, and may be provided such information after each subsequent incident that occurs during the school year:-(1) (A) A copy of the standards of when emergency safety interventions can be used;-(2) (B) a flyer on the parent's rights;-(3) (C) information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and-(4) (D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form, and or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

(b) If a parent believes emergency safety interventions have been used in violation of this act, rules and regulations adopted pursuant thereto or policies of the school district, then within 30 days from being informed of the use of emergency safety intervention, such parent may file a complaint through the local dispute resolution process. A parent may file a complaint under the state board of education complaint process within 30 days from the date a final decision is issued pursuant to the local dispute resolution process. If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a

parent, as set forth in subsection (a)(1) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(c) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department website, and to the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The data governance board of the department shall use the actual data value when providing statewide aggregate data for such reports. The department's reported results shall include, but shall not be limited to, the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) the number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) the total number of incidents in which emergency safety interventions were used on students;

(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;

(8) the maximum and median number of minutes a student was placed in seclusion;

(9) the maximum number of incidents in which emergency safety interventions were used on a student;

(10) the information reported under subsection (c)(1) through (c)(3) ~~reported by the~~ school to the extent possible;

(11) the information reported under subsections (c)(1) through (c)(9) aggregated by ~~age and~~ ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and

(12) such other information as the department deems necessary to report.

Sec. 4. K.S.A. 2015 Supp. 72-89d05 is hereby amended to read as follows: 72-89d05. (a) ~~If there is a third incident involving the use of emergency safety interventions within a school year on~~ After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

(1) ~~For a student who has an individualized education program or a section 504 plan, then such student's individualized education program team or section 504 plan team shall meet within 10 days after such third incident to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence, unless the individualized education program team or the section 504 plan team has agreed on a different process.~~

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

~~(b) If there is a third incident involving the use of emergency safety interventions within a school year on a student who is not described in subsection (a), then a meeting between such student's parent and school employees shall be conducted within 10 days after such third incident to~~

(2) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto, the need for a functional behavioral analysis or the need for a behavior intervention plan. Any meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident and such other school employees designated by the school administrator as appropriate for such meeting.

~~(b) The parent shall determine whether~~ the student shall be invited to any meeting called pursuant to this section.

~~(c) The time for calling a meeting pursuant to this section shall be extended beyond the 10-day 10-school-day~~ limit if the parent of the student is unable to attend within that time period.

~~(d) Nothing in this section shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if such student may benefit from such measures but has had less than three incidents involving emergency safety interventions within a school year.~~

Sec. 5. K.S.A. 2015 Supp. 72-89d08 is hereby amended to read as follows: 72-89d08. The provisions of K.S.A. 2015 Supp. 72-89d01 through 72-89d08, and amendments thereto, shall expire on June 30, ~~2018~~ 2020.

Sec. 6. K.S.A. 2015 Supp. 72-89d02, 72-89d03, 72-89d04, 72-89d05 and 72-89d08 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "schools; relating to standards and requirements for the treatment of students; seclusion and restraint of students; amending K.S.A. 2015 Supp. 72-89d02, 72-89d03, 72-89d04, 72-89d05 and 72-89d08 and repealing the existing sections";

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

CONNIE O'BRIEN

WILLIE DOVE

JARROD OUSLEY

*Conferees on part of House*

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

*Conferees on part of Senate*

Senator Abrams moved the Senate adopt the Conference Committee Report on **H Sub SB 193**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Tyson.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 325** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 29 and inserting:

"Section 1. K.S.A. 2015 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2015 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 2015 Supp. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in ~~subsection (a)(2) of~~ K.S.A. 2015 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2015 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2015 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of ~~subsection (a) of~~ K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2015 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated crime in which the offender has been ordered to register pursuant to ~~subsection (d)(1)(D)(vii) of K.S.A. 22-3717(d)(1)(D)(vii)~~, and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2015 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2015 Supp. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2015 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2015 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state;
- (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to ~~subsection (e) of K.S.A. 21-4714(e)~~, prior to its repeal, or ~~subsection (e) of K.S.A. 2015 Supp. 21-6813(e)~~, and amendments thereto; and
- (d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2015 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2015 Supp. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d) (1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to ~~subsection (e) of~~ K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to ~~subsection (e)(1)(C) or (e)(1)(D) of~~ K.S.A. 22-3716(c)(1)(C) or (c)(1)(D), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2015 Supp. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5506(b), and amendments thereto;

(D) criminal sodomy, ~~subsection (a)(2) and (a)(3) of~~ K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or ~~subsection (a)(3) and (a)(4) of~~ K.S.A. 2015 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2015 Supp. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or

~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5604(b), and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2015 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto; or

(M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2015 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or

to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are

insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to ~~search or seizure~~ searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to ~~search or seizure~~ searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto,

unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to ~~search or seizure~~ searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to ~~search or seizure~~ searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall

be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to ~~subsection (r)~~ of K.S.A. 2015 Supp. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means: any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by

K.S.A. 2015 Supp. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 2. K.S.A. 2015 Supp. 22-3717 is hereby repealed.";

On page 1, in the title, in line 1, by striking all after concerning; by striking all in line 2; in line 3, by striking all before the period and inserting "crimes, punishment and criminal procedure; relating to conditions of parole and postrelease supervision; search and seizure; amending K.S.A. 2015 Supp. 22-3717 and repealing the existing section";

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

RAMON GONZALEZ

JAN PAULS

DENNIS HIGHBERGER

*Conferees on part of House*

GREG SMITH

FORREST KNOX

PAT PETTEY

*Conferees on part of Senate*

Senator Smith moved the Senate adopt the Conference Committee Report on **SB 325**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 418** 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, following line 7, by inserting:

"New Section 1. Sections 1 through 5, and amendments thereto, shall be known and may be cited as the host families act.

New Sec. 2. As used in the host families act:

(a) "Charitable organization" has the same meaning as defined in K.S.A. 17-1760, and amendments thereto.

(b) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care and licensed by the state of Kansas pursuant to K.S.A. 65-501, and amendments thereto.

(c) "Host family" means an individual or family who provides temporary care under this act.

(d) "Parent," when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(e) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

New Sec. 3. (a) A child placement agency, or other Kansas charitable organization working under an agreement with a child placement agency, may establish a program in which it coordinates with private organizations to provide temporary care of children by placing a child with a host family.

(b) (1) A program established pursuant to subsection (a) shall include screening and background checks for potential host families. Such screening and background checks shall be the same as the screening and background checks required for obtaining and maintaining a license to operate a family foster home pursuant to rules and regulations adopted by the secretary for children and families.

(2) A host family shall not receive payment other than reimbursement for actual expenses of providing temporary care for the child.

(c) Any placement of a child into a program established pursuant to subsection (a):

(1) Shall be voluntary and shall not be considered an out-of-home placement by the state;

(2) shall not supersede any order under the revised Kansas code for care of children or any other court order; and

(3) shall not preclude any investigation of suspected abuse or neglect.

(d) (1) A parent may place a child into a program established pursuant to subsection (a) by executing a power of attorney delegating to a host family any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. Such placement of a child shall not be allowed without the consent of all individuals who have legal custody of the child.

(2) (A) A power of attorney executed pursuant to this subsection shall not exceed one year in duration, except that such power of attorney may be renewed for one additional year.

(B) A serving parent may execute a power of attorney pursuant to this section for a duration longer than one year if on active duty service, and the duration of such power of attorney shall not exceed the term of active duty service plus 30 days.

(3) A delegation of powers pursuant to this subsection shall not: (A) Deprive any parent of any parental or legal authority regarding the care and custody of the child; (B) deprive any non-delegating parent of any parental or legal authority regarding the child, if such parent's rights have not otherwise been terminated or relinquished as provided by law; or (C) affect any parental or legal authority otherwise limited by a court order.

(4) A parent executing a power of attorney pursuant to this subsection shall have the authority to revoke or withdraw the power of attorney at any time. If a parent withdraws or revokes the power of attorney, the child shall be returned to the custody of the parent as soon as reasonably possible.

(5) The execution of a power of attorney by a parent pursuant to this subsection shall not be evidence of abandonment, abuse or neglect as defined in K.S.A. 2015 Supp. 38-2202, and amendments thereto.

(6) A power of attorney executed pursuant to this subsection shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council. The judicial council shall develop a form for use under this subsection.

New Sec. 4. During any child protective investigation by the Kansas department for children and families that does not result in an out-of-home placement due to abuse of a child, the department is authorized and encouraged to provide information to the parent or custodian about community service programs that provide respite care, voluntary guardianship or other support services for families in crisis, including organizations that operate programs authorized under section 3, and amendments thereto. In providing information, the department is authorized to exercise its discretion in recommending programs, organizations and resources to the parent or custodian.

New Sec. 5. The Kansas department for children and families is hereby authorized to work with families who are in financial distress, unemployed, homeless or experiencing other family crises by detailing community resources available to such families in the community, including, but not limited to, respite care, voluntary guardianship under the host families act and information regarding child placement agencies and other charitable organizations that operate programs authorized under section 3, and amendments thereto.";

Also, on page 1, following line 24, by inserting:

"Sec. 7. K.S.A. 2015 Supp. 23-3203 is hereby amended to read as follows: 23-3203. (a) In determining the issue of ~~child legal~~ custody, residency and parenting time of a child, the court shall consider all relevant factors, including, but not limited to:

~~(a)~~ (1) Each parent's role and involvement with the minor child before and after separation;

~~(b)~~ (2) the desires of the child's parents as to custody or residency;

~~(c)~~ (3) the desires of a child of sufficient age and maturity as to the child's custody or residency;

~~(d)~~ (4) the age of the child;

~~(e)~~ (5) the emotional and physical needs of the child;

~~(f)~~ (6) the interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests;

~~(g)~~ (7) the child's adjustment to the child's home, school and community;

~~(h)~~ (8) the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent;

- ~~(9)~~ (9) evidence of spousal abuse, either emotional or physical;
- ~~(10)~~ (10) the ability of the parties to communicate, cooperate and manage parental duties;
- ~~(11)~~ (11) the school activity schedule of the child;
- ~~(12)~~ (12) the work schedule of the parties;
- ~~(13)~~ (13) the location of the parties' residences and places of employment;
- ~~(14)~~ (14) the location of the child's school;
- ~~(15)~~ (15) whether a parent is subject to the registration requirements of the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in any other state, or under military or federal law;
- ~~(16)~~ (16) whether a parent has been convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A. 2015 Supp. 21-5602, and amendments thereto;
- ~~(17)~~ (17) whether a parent is residing with an individual who is subject to registration requirements of the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in any other state, or under military or federal law; and
- ~~(18)~~ (18) whether a parent is residing with an individual who has been convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A. 2015 Supp. 21-5602, and amendments thereto.

(b) To aid in determining the issue of legal custody, residency and parenting time of a child, the court may order a parent to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and may order such parent to follow all recommendations made by such program.

Sec. 8. K.S.A. 2015 Supp. 38-2201 is hereby amended to read as follows: 38-2201. K.S.A. 2015 Supp. 38-2201 through 38-2283, and amendments thereto, shall be known as and may be cited as the revised Kansas code for care of children.

(a) Proceedings pursuant to this code shall be civil in nature and all proceedings, orders, judgments and decrees shall be deemed to be pursuant to the parental power of the state. Any orders pursuant to this code shall take precedence over any similar order under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators, or article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, until jurisdiction under this code is terminated.

(b) The code shall be liberally construed to carry out the policies of the state which are to:

(1) Consider the safety and welfare of a child to be paramount in all proceedings under the code;

(2) provide that each child who comes within the provisions of the code shall receive the care, custody, guidance control and discipline that will best serve the child's welfare and the interests of the state, preferably in the child's home and recognizing that the child's relationship with such child's family is important to the child's well being;

(3) make the ongoing physical, mental and emotional needs of the child decisive considerations in proceedings under this code;

(4) acknowledge that the time perception of a child differs from that of an adult and to dispose of all proceedings under this code without unnecessary delay;

(5) encourage the reporting of suspected child abuse and neglect;

(6) investigate reports of suspected child abuse and neglect thoroughly and promptly;

(7) provide for the protection of children who have been subject to physical, mental or emotional abuse or neglect or sexual abuse;

(8) provide preventative and rehabilitative services, when appropriate, to abused and neglected children and their families so, if possible, the families can remain together without further threat to the children;

(9) provide stability in the life of a child who must be removed from the home of a parent; and

(10) place children in permanent family settings, in absence of compelling reasons to the contrary.

(c) Nothing in this code shall be construed to permit discrimination on the basis of disability.

(1) The disability of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability and harm to the child.

(2) In cases involving a parent with a disability, determinations made under this code shall consider the availability and use of accommodations for the disability, including adaptive equipment and support services.

(d) (1) Nothing in this code shall be construed to permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician. The actions of a parent in such circumstances shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the actions and harm to the child.

(2) As used in this subsection, "physician" means a person licensed to practice medicine and surgery by the state board of healing arts or by an equivalent licensing board or entity in any state."

On page 7, following line 28, by inserting:

"Sec. 11. K.S.A. 2015 Supp. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file.* The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by

the secretary or court services officer.

(6) A citizen review board.

(7) ~~The commissioner of juvenile justice~~ secretary of corrections or any agents designated by the ~~commissioner~~ secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

~~(9)–(10)~~ The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) ~~The commissioner of juvenile justice~~ secretary of corrections or any agents designated by the ~~commissioner~~ secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)~~(8)~~(9) and (b)~~(8)~~(9), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.";

On page 14, by striking all in lines 5 through 43;

By striking all on page 15;

On page 16, by striking all in lines 1 through 32 and inserting:

"Sec. 17. K.S.A. 2015 Supp. 38-2302, as amended by section 29 of 2016 Senate Bill No. 367, is hereby amended to read as follows: 38-2302. As used in this code, unless the context otherwise requires:

(a) "Commissioner" means the secretary of corrections or the secretary's designee.

(b) "Community supervision officer" means any officer from court services, community corrections or any other individual authorized to supervise a juvenile on an immediate intervention, probation or conditional release.

(c) "Conditional release" means release from a term of commitment in a juvenile correctional facility for an aftercare term pursuant to K.S.A. 2015 Supp. 38-2369, and amendments thereto, under conditions established by the secretary of corrections.

(d) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 2015 Supp. 38-2306, and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2015 Supp. 38-2307, and amendments thereto, in a proceeding pursuant to this code.

(e) "Detention risk assessment tool" means a risk assessment instrument adopted pursuant to K.S.A. 75-7023(f), and amendments thereto, used to identify factors shown to be statistically related to a juvenile's risk of failing to appear in court or reoffending pre-adjudication and designed to assist in making detention determinations.

(f) "Educational institution" means all schools at the elementary and secondary levels.

(g) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a)(1) through (5), and amendments thereto.

(h) "Evidence-based" means practices, policies, procedures and programs demonstrated by research to produce reduction in the likelihood of reoffending.

(i) "Graduated responses" means a system of community-based sanctions and incentives developed pursuant to K.S.A. 75-7023(h) and section 2, and amendments thereto, used to address violations of immediate interventions, terms and conditions of probation and conditional release and to incentivize positive behavior.

(j) "Immediate intervention" means all programs or practices developed by the county to hold juvenile offenders accountable while allowing such offenders to be diverted from formal court processing pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto.

(k) "Institution" means the Larned juvenile correctional facility and the Kansas juvenile correctional complex.

(l) "Investigator" means an employee of the juvenile justice authority department of corrections assigned by the ~~commissioner~~ secretary of corrections with the responsibility for investigations concerning employees at the juvenile correctional facilities and juveniles in the custody of the ~~commissioner~~ secretary of corrections at a juvenile correctional facility.

(m) "Jail" means: (1) An adult jail or lockup; or

(2) a facility in the same building as an adult jail or lockup, unless the facility meets all applicable licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(n) "Juvenile" means a person to whom one or more of the following applies, the person: (1) Is 10 or more years of age but less than 18 years of age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as a juvenile offender and continues to be subject to the jurisdiction of the court.

(o) "Juvenile correctional facility" means a facility operated by the secretary of corrections for the commitment of juvenile offenders.

(p) "Juvenile corrections officer" means a certified employee of the department of corrections working at a juvenile correctional facility assigned by the secretary of corrections with responsibility for maintaining custody, security and control of juveniles in the custody of the secretary of corrections at a juvenile correctional facility.

(q) "Juvenile detention facility" means a public or private facility licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which is used for the lawful custody of alleged or adjudicated juvenile offenders.

(r) "Juvenile intake and assessment worker" means a responsible adult trained and authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(s) "Juvenile offender" means a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2015 Supp. 21-5102, and amendments thereto, or who violates the provisions of K.S.A. 41-727, K.S.A. 74-8810(j) or K.S.A. 2015 Supp. 21-6301(a)(14), and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in K.S.A. 8-2117(d), and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(3) a person under 18 years of age who previously has been:

(A) Convicted as an adult under the Kansas criminal code;

(B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2015 Supp. 38-2364, and amendments thereto; or

(C) convicted or sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in K.S.A. 2015 Supp. 38-2347, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.

(t) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(u) "Overall case length limit" when used in relation to a juvenile adjudicated a juvenile offender means the maximum jurisdiction of the court following disposition on an individual case. Pursuant to K.S.A. 2015 Supp. 38-2304, and amendments thereto, the case and the court's jurisdiction shall terminate once the overall case length limit expires and may not be extended.

(v) "Parent" when used in relation to a juvenile, includes a guardian and every person who is, by law, liable to maintain, care for or support the juvenile.

(w) "Probation" means a period of community supervision ordered pursuant to K.S.A. 2015 Supp. 38-2361, and amendments thereto, overseen by either court services or community corrections, but not both.

(x) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best

interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(y) "Reintegration plan" means a written document prepared in consultation with the child's parent or guardian that:

(1) Describes the reintegration goal, which, if achieved, will most likely give the juvenile and the victim of the juvenile a permanent and safe living arrangement;

(2) describes the child's level of physical health, mental and emotional health and educational functioning;

(3) provides an assessment of the needs of the child and family;

(4) describes the services to be provided to the child, the child's family and the child's foster parents, if appropriate;

(5) includes a description of the tasks and responsibilities designed to achieve the plan and to whom assigned;

(6) includes measurable objectives and time schedules for achieving the plan; and

(7) if the child is in an out of home placement:

(A) Provides a statement for the basis of determining that reintegration is determined not to be a viable option if such a determination is made and includes a plan for another permanent living arrangement;

(B) describes available alternatives;

(C) justifies the alternative placement selected, including a description of the safety and appropriateness of such placement; and

(D) describes the programs and services that will help the child prepare to live independently as an adult.

~~(y)~~ (z) "Risk and needs assessment" means a standardized instrument administered on juveniles to identify specific risk factors and needs shown to be statistically related to a juvenile's risk of reoffending and, when properly addressed, can reduce a juvenile's risk of reoffending.

~~(z)~~ (aa) "Secretary" means the secretary of corrections or the secretary's designee.

~~(aa)~~ (bb) "Technical violation" means an act that violates the terms or conditions imposed as part of a probation disposition pursuant to K.S.A. 2015 Supp. 38-2361, and amendments thereto, and that does not constitute a new juvenile offense or a new child in need of care violation pursuant to K.S.A. 2015 Supp. 38-2202(d), and amendments thereto.

~~(bb)~~ (cc) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

~~(cc)~~ (dd) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.";

On page 27, following line 18, by inserting:

"Sec. 22. On and after January 1, 2017, K.S.A. 2015 Supp. 75-7023, as amended by section 63 of 2016 Senate Bill No. 367, is hereby amended to read as follows: 75-7023.

(a) The secretary for children and families may contract with the secretary of corrections to provide for the juvenile intake and assessment system and programs for

children in need of care. Except as provided further, the secretary of corrections shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders. If the secretary contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be in force until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted.

(b) ~~No~~ Except as otherwise provided in this subsection, records, reports and information obtained as a part of the juvenile intake and assessment process ~~may shall~~ not be admitted into evidence in any proceeding and ~~may shall~~ not be used in a child in need of care proceeding ~~except or a juvenile offender proceeding~~.

(1) Such records, reports and information may be used in a child in need of care proceeding for diagnostic and referral purposes and by the court in considering dispositional alternatives. ~~However,~~ If the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 2015 Supp. 38-2223, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the revised Kansas code for care of children.

(2) Such records, reports and information may be used in a juvenile offender proceeding only if such records, reports and information are in regard to the possible trafficking of a runaway. Such records, reports and information in regard to the possible trafficking of a runaway shall be made available to the appropriate county or district attorney and the court, and shall be used only for diagnostic and referral purposes.

(c) Upon a juvenile being taken into custody pursuant to K.S.A. 2015 Supp. 38-2330, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process, making release and referral determinations as required by supreme court administrative order or district court rule, or except as provided above rules and regulations established by the secretary of corrections.

(d) Except as provided in subsection (g) and in addition to any other information required by the supreme court administrative order, the secretary for children and families, the secretary of corrections or by the district court of such district, the juvenile intake and assessment worker shall collect the following information either in person or over two-way audio or audio-visual communication:

(1) The results of a standardized detention risk assessment tool pursuant to K.S.A. 2015 Supp. 38-2302, and amendments thereto, if detention is being considered for the juvenile, such as the problem oriented screening instrument for teens;

(2) criminal history, including indications of criminal gang involvement;

(3) abuse history;

(4) substance abuse history;

(5) history of prior community services used or treatments provided;

(6) educational history;

(7) medical history;

(8) family history; and

(9) the results of other assessment instruments as approved by the secretary.

(e) After completion of the intake and assessment process for such child, the intake and assessment worker shall make both a release and a referral determination:

(1) Release the child to the custody of the child's parent, other legal guardian or another appropriate adult.

(2) Conditionally release the child to the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that if the conditions are met, it would be in the child's best interest to release the child to such child's parent, other legal guardian or another appropriate adult; and the intake and assessment worker has reason to believe that it might be harmful to the child to release the child to such child's parents, other legal guardian or another appropriate adult without imposing the conditions. The conditions may include, but not be limited to the alternatives listed in K.S.A. 2015 Supp. 38-2331(b), and amendments thereto, and the following:

- (A) Participation of the child in counseling;
- (B) participation of members of the child's family in counseling;
- (C) participation by the child, members of the child's family and other relevant persons in mediation;
- (D) provision of outpatient treatment for the child;
- (E) referral of the child and the child's family to the secretary for children and families for services and the agreement of the child and family to accept and participate in the services offered;
- (F) referral of the child and the child's family to available community resources or services and the agreement of the child and family to accept and participate in the services offered;

(G) requiring the child and members of the child's family to enter into a behavioral contract which may provide for regular school attendance among other requirements; or

(H) any special conditions necessary to protect the child from future abuse or neglect.

(3) Deliver the child to a shelter facility or a licensed attendant care center along with the law enforcement officer's written application for a maximum stay of up to 72 hours. The shelter facility or licensed attendant care facility shall then have custody as if the child had been directly delivered to the facility by the law enforcement officer pursuant to K.S.A. 2015 Supp. 38-2232, and amendments thereto.

(4) The intake and assessment worker shall also refer the juvenile's case to one of the following:

(A) An immediate intervention program pursuant to K.S.A. 2015 Supp. 38-2346(b), and amendments thereto;

(B) the county or district attorney for appropriate proceedings to be filed, with or without a recommendation that the juvenile be considered for alternative means of adjudication programs pursuant to K.S.A. 2015 Supp. 38-2389, and amendments thereto, or immediate intervention pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto; or

(C) refer the child and family to the secretary for children and families for investigations in regard to the allegations.

(f) The secretary of corrections, in conjunction with the office of judicial administration, shall develop, implement and validate on the Kansas juvenile population, a statewide detention risk assessment tool.

(1) The assessment shall be conducted for each youth under consideration for detention and may only be conducted by a juvenile intake and assessment worker who

has completed training to conduct the detention risk assessment tool.

(2) The secretary and the office of judicial administration shall establish cutoff scores determining eligibility for placement in a juvenile detention facility or for referral to a community-based alternative to detention and shall collect and report data regarding the use of the detention risk assessment tool.

(3) The detention risk assessment tool includes an override function that may be approved by the court for use under certain circumstances. If approved by the court, the juvenile intake and assessment worker or the court may override the detention risk assessment tool score in order to direct placement in a short-term shelter facility, a community-based alternative to detention or, subject to K.S.A. 2015 Supp. 38-2331, and amendments thereto, a juvenile detention facility. Such override must be documented, include a written explanation and receive approval from the director of the intake and assessment center or the court.

(4) If a juvenile meets one or more eligibility criteria for detention or referral to a community-based alternative to detention, the person with authority to detain shall maintain discretion to release the juvenile if other less restrictive measures would be adequate.

(g) Parents, guardians and juveniles may access the juvenile intake and assessment programs on a voluntary basis. The parent or guardian shall be responsible for the costs of any such program utilized.

(h) Every juvenile intake and assessment worker shall receive training in evidence-based practices, including, but not limited to:

- (1) Risk and needs assessments;
- (2) individualized diversions based on needs and strengths;
- (3) graduated responses;
- (4) family engagement;
- (5) trauma-informed care;
- (6) substance abuse;
- (7) mental health; and
- (8) special education.";

On page 29, in line 14, after "Supp." by inserting "23-3203, 38-2201,"; also in line 14, after "38-2210," by inserting "38-2211,"; in line 15, after "38-2302," by inserting "as amended by section 29 of 2016 Senate Bill No. 367,"; following line 16, by inserting:

"Sec. 24. On and after January 1, 2017, K.S.A. 2015 Supp. 75-7023, as amended by section 22 of this act, and 75-7023, as amended by section 63 of 2016 Senate Bill No. 367, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon, by inserting "enacting the host families act,"; in line 2, after "Supp." by inserting "23-3203, 38-2201,"; in line 3, after "2210," by inserting "38-2211,"; also in line 3, after "38-2302," by inserting "as amended by section 29 of 2016 Senate Bill No. 367,"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "75-7023" by inserting "and 75-7023, as amended by section 63 of 2016 Senate Bill No. 367,"; in line 5, before the period, by inserting "and 75-7023, as amended by section 22 of this act";

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

JOHN BARKER  
 CHARLES MACHEERS  
 JOHN CARMICHAEL  
*Conferees on part of House*

JEFF KING  
 GREG SMITH  
 DAVID HALEY  
*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **SB 418**.

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Hawk, Kelly, Longbine, V. Schmidt.

Present and Passing: Francisco, Haley.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2365** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate committee of the whole amendments, as follows:

On page 1, by striking all in lines 12 through 36;

By striking all on pages 2 through 70 and inserting:

"New Section 1. On and after July 1, 2016, notwithstanding the provisions of section 109 of chapter 104 of the 2015 Session Laws of Kansas, the provisions of K.S.A. 2015 Supp. 75-5958, and amendments thereto, shall be in full force and effect.

Sec. 2. K.S.A. 2015 Supp. 75-7435 is hereby amended to read as follows: 75-7435.

(a) As used in this section unless the context requires otherwise:

(1) Words and phrases have the meanings respectively ascribed thereto by K.S.A. 39-923, and amendments thereto.

(2) "Skilled nursing care facility" means a licensed nursing facility, nursing facility for mental health as defined in K.S.A. 39-923, and amendments thereto, or a hospital long-term care unit licensed by the department of health and environment, providing skilled nursing care, but shall not include the Kansas soldiers' home or the Kansas veterans' home.

(3) "Licensed bed" means those beds within a skilled nursing care facility which the facility is licensed to operate.

(4) "Agent" means the Kansas department for aging and disability services.

(5) "Continuing care retirement facility" means a facility holding a certificate of registration issued by the commissioner of insurance pursuant to K.S.A. 40-2235, and amendments thereto.

(b) (1) Except as otherwise provided in this section and in subsection (f), there is

hereby imposed and the secretary of health and environment shall assess an annual assessment per licensed bed, hereinafter called a quality care assessment, on each skilled nursing care facility. The assessment on all facilities in the aggregate shall be an amount fixed by rules and regulations of the secretary of health and environment, shall not exceed ~~\$1,950~~ \$4,908 annually per licensed bed, shall be imposed as an amount per licensed bed and shall be imposed uniformly on all skilled nursing care facilities except that the assessment rate for skilled nursing care facilities that are part of a continuing care retirement facility, small skilled nursing care facilities and high medicaid volume skilled nursing care facilities shall not exceed  $\frac{1}{6}$  of the actual amount assessed all other skilled nursing care facilities. No rules and regulations of the secretary of health and environment shall grant any exception to or exemption from the quality care assessment. The assessment shall be paid quarterly, with one fourth of the annual amount due by the 30<sup>th</sup> day after the end of the month of each calendar quarter. The secretary of health and environment is authorized to establish delayed payment schedules for skilled nursing care facilities which are unable to make quarterly payments when due under this section due to financial difficulties, as determined by the secretary of health and environment. As used in this ~~subsection (b)(1) paragraph~~, the terms "small skilled nursing care facilities" and "high medicaid volume skilled nursing care facilities" shall have the meanings ascribed thereto by the secretary of health and environment by rules and regulations, except that the definition of small skilled nursing care facility shall not be lower than 40 beds.

(2) Beds licensed after July 1 each year shall pay a prorated amount of the applicable annual assessment so that the assessment applies only for the days such new beds are licensed. The proration shall be calculated by multiplying the applicable assessment by the percentage of days the beds are licensed during the year. Any change which reduces the number of licensed beds in a facility shall not result in a refund being issued to the skilled nursing care facility.

(3) If an entity conducts, operates or maintains more than one licensed skilled nursing care facility, the entity shall pay the nursing facility assessment for each facility separately. No skilled nursing care facility shall create a separate line-item charge for the purpose of passing through the quality care assessment to residents. No skilled nursing care facility shall be guaranteed, expressly or otherwise, that any additional moneys paid to the facility under this section will equal or exceed the amount of its quality care assessment.

(4) The payment of the quality care assessment to the secretary of health and environment shall be an allowable cost for medicaid reimbursement purposes. A rate adjustment pursuant to ~~paragraph (5) of subsection (d)(5)~~ shall be made effective on the date of imposition of the assessment, to reimburse the portion of this cost imposed on medicaid days.

(5) The secretary of health and environment shall seek a waiver from the United States department of health and human services to allow the state to impose varying levels of assessments on skilled nursing care facilities based on specified criteria. It is the intent of the legislature that the waiver sought by the secretary of health and environment be structured to minimize the negative fiscal impact on certain classes of skilled nursing care facilities.

(c) Each skilled nursing care facility shall prepare and submit to the secretary of health and environment any additional information required and requested by the

secretary of health and environment to implement or administer the provisions of this section. Each skilled nursing care facility shall prepare and submit quarterly to the secretary for aging and disability services the rate the facility charges to private pay residents, and the secretary shall cause this information to be posted on the web site of the department for aging and disability services.

(d) (1) There is hereby created in the state treasury the quality care fund, which shall be administered by the secretary of health and environment. All moneys received for the assessments imposed pursuant to subsection (b), including any penalty assessments imposed thereon pursuant to subsection (e), shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the quality care fund. All expenditures from the quality care fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's agent.

(2) All moneys in the quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas. No moneys credited to the quality care fund shall be transferred to or otherwise revert to the state general fund at any time. Notwithstanding the provisions of any other law to the contrary, if any moneys credited to the quality care fund are transferred or otherwise revert to the state general fund, 30 days following the transfer or reversion the quality care assessment shall terminate and the secretary of health and environment shall discontinue the imposition, assessment and collection of the assessment. Upon termination of the assessment, all collected assessment revenues, including the moneys inappropriately transferred or reverting to the state general fund, less any amounts expended by the secretary of health and environment, shall be returned on a pro rata basis to skilled nursing care facilities that paid the assessment.

(3) Any moneys received by the state of Kansas from the federal government as a result of federal financial participation in the state medicaid program that are derived from the quality care assessment shall be deposited in the quality care fund and used to finance actions to maintain or increase healthcare in skilled nursing care facilities.

(4) Moneys in the fund shall be used exclusively for the following purposes:

(A) To pay administrative expenses incurred by the secretary of health and environment or the agent in performing the activities authorized by this section, except that such expenses shall not exceed a total of 1% of the aggregate assessment funds collected pursuant to subsection (b) for the prior fiscal year;

(B) to increase nursing facility payments to fund covered services to medicaid beneficiaries within medicare upper payment limits, as may be negotiated;

(C) to reimburse the medicaid share of the quality care assessment as a pass-through medicaid allowable cost;

(D) to restore the medicaid rate reductions implemented January 1, 2010;

(E) to restore funding for fiscal year 2010, including rebasing and inflation to be applied to rates in fiscal year 2011;

(F) the remaining amount, if any, shall be expended first to increase the direct health care costs center limitation up to 150% of the case mix adjusted median, and then, if there are remaining amounts, for other quality care enhancement of skilled nursing care facilities as approved by the quality care improvement panel but shall not

be used directly or indirectly to replace existing state expenditures for payments to skilled nursing care facilities for providing services pursuant to the state medicaid program.

(5) Any moneys received by a skilled nursing care facility from the quality care fund shall not be expended by any skilled nursing care facility to provide for bonuses or profit-sharing for any officer, employee or parent corporation but may be used to pay to employees who are providing direct care to a resident of such facility.

(6) Adjustment payments may be paid quarterly or within the daily medicaid rate to reimburse covered medicaid expenditures in the aggregate within the upper payment limits.

(7) On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the quality care fund interest earnings based on:

(A) The average daily balance of moneys in the quality care fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) If a skilled nursing care facility fails to pay the full amount of the quality care assessment imposed pursuant to subsection (b), when due and payable, including any extensions of time granted under that subsection, the secretary of health and environment shall assess a penalty in the amount of the lesser of \$500 per day or 2% of the quality care assessment owed for each day the assessment is delinquent. The secretary of health and environment is authorized to establish delayed payment schedules for skilled nursing care facilities that are unable to make installment payments when due under this section because of financial difficulties, as determined by the secretary of health and environment.

(f) (1) The secretary of health and environment shall assess and collect quality care assessments imposed pursuant to subsection (b), including any penalty assessments imposed thereon pursuant to subsection (e), from skilled nursing care facilities on and after July 1, 2010, except that no assessments or penalties shall be assessed under subsections (a) through (h) until:

(A) An amendment to the state plan for medicaid, which increases the rates of payments made to skilled nursing care facilities for providing services pursuant to the federal medicaid program and which is proposed for approval for purposes of subsections (a) through (h) is approved by the federal government in which case the initial assessment is due no earlier than 60 days after state plan approval; and

(B) the skilled nursing care facilities have been compensated retroactively within 60 days after state plan approval at the increased rate for services provided pursuant to the federal medicaid program for the period commencing on and after July 1, 2010.

(2) The secretary of health and environment shall implement and administer the provisions of subsections (a) through (h) in a manner consistent with applicable federal medicaid laws and regulations. The secretary of health and environment shall seek any necessary approvals by the federal government that are required for the implementation of subsections (a) through (h).

(3) The provisions of subsections (a) through (h) shall be null and void and shall have no force and effect if one of the following occur:

(A) The medicaid plan amendment, which increases the rates of payments made to

skilled nursing care facilities for providing services pursuant to the federal medicaid program and which is proposed for approval for purposes of subsections (a) through (h) is not approved by the federal centers for medicare and medicaid services;

(B) the rates of payments made to skilled nursing care facilities for providing services pursuant to the federal medicaid program are reduced below the rates calculated on December 31, 2009, increased by revenues in the quality care fund and matched by federal financial participation and rebasing as provided for in K.S.A. 2015 Supp. 75-5958, and amendments thereto;

(C) any funds are utilized to supplant funding for skilled nursing care facilities as required by subsection (g);

(D) any funds are diverted from those purposes set forth in subsection (d)(4); or

(E) upon the governor signing, or allowing to become law without signature, legislation which by proviso or otherwise directs any funds from those purposes set forth in subsection (d)(4) or which would propose to suspend the operation of this section.

(g) On and after July 1, 2010, reimbursement rates for skilled nursing care facilities shall be restored to those in effect during December 2009. No funds generated by the assessments or federal funds generated therefrom shall be utilized for such restoration, but such funds may be used to restore the rate reduction in effect from January 1, 2010, to June 30, 2010.

(h) Rates of reimbursement shall not be limited by private pay charges.

(i) If the provisions of subsections (a) through (h) are repealed, expire or become null and void and have no further force and effect, all moneys in the quality care fund which were paid under the provisions of subsections (a) through (h) shall be returned to the skilled nursing care facilities which paid such moneys on the basis on which such payments were assessed and paid pursuant to subsections (a) through (h).

(j) The department of health and environment may adopt rules and regulations necessary to implement the provisions of this section.

(k) For purposes of administering and selecting the reimbursements of moneys in the quality care assessment fund, the quality care improvement panel is hereby established. The panel shall consist of the following members: Two persons appointed by leading age Kansas homes and services for the aging; two persons appointed by the Kansas health care association; one person appointed by Kansas advocates for better care; one person appointed by the Kansas hospital association; one person appointed by the governor who is a member of the Kansas adult care executives association; one person appointed by the governor who is a skilled nursing care facility resident or the family member of such a resident; one person appointed by the Kansas foundation for medical care; one person appointed by the governor from the department for aging and disability services; ~~and~~ one person appointed by the governor from the department of health and environment; one person appointed by the president of the senate who is affiliated with an organization representing and advocating the interests of retired persons in Kansas; and one person appointed by the speaker of the house of representatives who is a volunteer with the office of the state long-term care ombudsman established by the long-term care ombudsman act. The person appointed by the governor from the department for aging and disability services and the person appointed by the governor from the department of health and environment shall be nonvoting members of the panel. The panel shall meet as soon as possible subsequent to

the effective date of this act and shall elect a chairperson from among the members appointed by the trade organizations specified in this subsection. The members of the quality care improvement panel shall serve without compensation or expenses. The quality care improvement panel shall report annually on or before January 10 to the legislature senate committees on public health and welfare and ways and means, the house committees on appropriations and health and human services and the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight concerning the progress to reduce the incidence of antipsychotic drug use in elders with dementia, participation in the nursing facility quality and efficiency outcome incentive factor, participation in the culture change and person-centered care incentive program, annual resident satisfaction ratings for Kansas skilled nursing care facilities and the activities of the panel during the preceding calendar year and any recommendations which the panel may have concerning the administration of and expenditures from the quality care assessment fund.

(l) The provisions of this section shall expire on July 1, ~~2016~~ 2020.

Sec. 3. K.S.A. 2015 Supp. 75-7435 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 9 and inserting "concerning skilled nursing care facilities; relating to the quality care assessment; rate and sunset thereof; quality care improvement panel membership; reporting requirements; amending K.S.A. 2015 Supp. 75-7435 and repealing the existing section."

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

Senator Denning moved the Senate adopt the Conference Committee Report on **S Sub HB 2365**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2509** 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 5, after "1%" by inserting ", not to exceed \$200,000,"; in line 7, after the period by inserting "The secretary may also recover any actual costs incurred by the secretary in excess of the fee."; also in line 7, after "fee" by inserting ", and any actual costs incurred by the secretary in excess of the fee,";

On page 5, in line 24, after "1%" by inserting ", not to exceed \$200,000,"; in line 25, after the period by inserting "The secretary may also recover any actual costs incurred by the secretary in excess of the fee."; also in line 25, after "fee" by inserting ", and any actual costs incurred by the secretary in excess of the fee,"; in line 27, by striking all before "assessed"; in line 28, by striking "fee" and inserting "amount"; in line 31, after "fee" by inserting "and any actual costs in excess of the fee assessed by the secretary"; in line 35, after "fees" by inserting ", and any actual costs incurred by the secretary in excess of the fee,";

JULIA LYNN  
SUSAN WAGLE  
TOM HOLLAND

*Conferees on part of Senate*

LARRY CAMPBELL  
TOM SLOAN  
PAM CURTIS

*Conferees on part of House*

Senator Lynn moved the Senate adopt the Conference Committee Report on **S Sub HB 2509**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Tyson.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2696** 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, following line 5, by inserting:

"New Section 1. (a) There is hereby created in the state treasury, the Kansas highway patrol staffing and training fund. Moneys credited to the Kansas highway patrol staffing and training fund shall be used by the highway patrol for increasing employment and retaining personnel at the highway patrol and for no other purpose. All expenditures from the Kansas highway patrol staffing and training 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 superintendent of the highway patrol.

(b) The moneys credited to the fund created in subsection (a) shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section.

New Sec. 2. In addition to any registration fee prescribed under article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, all applicants for vehicle registration shall pay at the time of registration a nonrefundable Kansas highway patrol staffing and training surcharge in the amount of \$2 for each vehicle being registered.

New Sec. 3. In addition to any registration fee prescribed under article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, all applicants for vehicle registration shall pay, at the time of registration, a nonrefundable law enforcement training center surcharge in the amount of \$1.25 for each vehicle being registered.

Sec. 4. K.S.A. 2015 Supp. 8-145 is hereby amended to read as follows: 8-145. (a) All registration and certificates of title fees shall be paid to the county treasurer of the county in which the applicant for registration resides or has an office or principal place of business within this state, and the county treasurer shall issue a receipt in triplicate, on blanks furnished by the division of vehicles, one copy of which shall be filed in the county treasurer's office, one copy shall be delivered to the applicant and the original copy shall be forwarded to the director of vehicles.

(b) The county treasurer shall deposit \$.75 of each license application, \$.75 out of each application for transfer of license plate and \$2 out of each application for a certificate of title, collected by such treasurer under this act, in a special fund, which fund is hereby appropriated for the use of the county treasurer in paying for necessary help and expenses incidental to the administration of duties in accordance with the provisions of this law and extra compensation to the county treasurer for the services performed in administering the provisions of this act, which compensation shall be in addition to any other compensation provided by any other law, except that the county treasurer shall receive as additional compensation for administering the motor vehicle title and registration laws and fees, a sum computed as follows: The county treasurer, during the month of December, shall determine the amount to be retained for extra compensation not to exceed the following amounts each year for calendar year 2006 or any calendar year thereafter: The sum of \$110 per hundred registrations for the first 5,000 registrations; the sum of \$90 per hundred registrations for the second 5,000 registrations; the sum of \$5 per hundred for the third 5,000 registrations; and the sum of \$2 per hundred registrations for all registrations thereafter. In no event, however, shall any county treasurer be entitled to receive more than \$15,000 additional annual compensation.

If more than one person shall hold the office of county treasurer during any one calendar year, such compensation shall be prorated among such persons in proportion to

the number of weeks served. The total amount of compensation paid the treasurer together with the amounts expended in paying for other necessary help and expenses incidental to the administration of the duties of the county treasurer in accordance with the provisions of this act, shall not exceed the amount deposited in such special fund. Any balance remaining in such fund at the close of any calendar year shall be withdrawn and credited to the general fund of the county prior to June 1 of the following calendar year.

(c) The county treasurer shall remit the remainder of all such fees collected, together with the original copy of all applications, to the secretary of revenue. The secretary of revenue shall remit all such fees remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund, except as provided in subsection (d).

(d) (1) Three dollars and fifty cents of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3 to the VIPS/CAMA technology hardware fund.

(2) For repossessed vehicles, \$3 of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3 to the repossessed certificates of title fee fund.

(3) Three dollars and fifty cents of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3 to the VIPS/CAMA technology hardware fund.

(4) Until January 1, 2013, \$4 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$4 to the division of vehicles modernization fund, on and after January 1, 2013, the state treasurer shall credit such \$4 to the state highway fund.

(5) Two dollars of each Kansas highway patrol staffing and training surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$2 to the Kansas highway patrol staffing and training fund.

(6) One dollar and twenty-five cents of each law enforcement training center surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$1.25 to the law enforcement training center fund.

Sec. 5. K.S.A. 2015 Supp. 74-5619 is hereby amended to read as follows: 74-5619.

(a) (1) There is hereby created in the state treasury the law enforcement training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law.

(2) All moneys received for assessments as provided pursuant to K.S.A. 74-5607, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the

credit of the law enforcement training center fund.

(b) There is hereby created in the state treasury the Kansas commission on peace officers' standards and training fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose of the operation of the commission to carry out its powers and duties as mandated by law. The director may apply for and receive public or private grants, gifts and donations of money for the commission. All moneys received from grants, gifts and donations shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas commission on peace officers' standards and training fund.

(c) The moneys credited to the funds created in subsections (a) and (b) shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the moneys deposited in these funds shall remain intact and inviolate for the purposes set forth in this section.

(d) This section shall be part of and supplemental to the Kansas law enforcement training act.

Sec. 6. K.S.A. 12-4112 is hereby amended to read as follows: 12-4112. No person shall be assessed costs for the administration of justice in any municipal court case, except for:

(a) Witness fees and mileage as set forth in K.S.A. 12-4411, and amendments thereto;

(b) ~~for the assessment required by K.S.A. 2001 Supp. 20-1a11~~ 12-4116, and amendments thereto; ~~for the judicial branch education fund;~~

(c) ~~for the assessment required by K.S.A. 12-4117, and amendments thereto; for the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, and the juvenile detention facilities fund as provided in K.S.A. 12-4117, and amendments thereto; and~~

(d) ~~for the assessment required by K.S.A. 12-16,119, and amendments thereto; for the detention facility processing fee.~~

Sec. 7. K.S.A. 2015 Supp. 12-4117 is hereby amended to read as follows: 12-4117.

(a) In each case filed in municipal court other than a nonmoving traffic violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in an amount of ~~\$20~~ \$22.50 shall be assessed and such assessment shall be credited as follows:

One dollar to the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, \$11.50 to the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, ~~\$2.50~~ \$5 to the Kansas commission on peace officers' standards and training fund established by K.S.A. 74-5619, and amendments thereto, \$2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, \$.50 to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto, \$1 to the trauma fund established pursuant to K.S.A. 2015 Supp. 75-5670, and amendments thereto, and \$1 to the department of corrections

forensic psychologist fund established pursuant to K.S.A. 2015 Supp. 75-52,151, and amendments thereto.

(b) The judge or clerk of the municipal court shall remit the appropriate assessments received pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the local law enforcement training reimbursement fund, the law enforcement training center fund, the Kansas commission on peace officers' standards and training fund, the juvenile detention facilities fund, the crime victims assistance fund, the trauma fund and the department of corrections forensic psychologist fund as provided in this section.

(c) For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.;

On page 8, in line 25, before the first "K.S.A." by inserting "K.S.A. 12-4112 and"; also in line 25, after "Supp." by inserting "8-145, 12-4117,"; also in line 25, after "22-2401a" by inserting ", 74-5619"; in line 27, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "enforcement;" by inserting "creating the Kansas highway patrol staffing and training fund; relating to the law enforcement training center fund and the commission on peace officers' standards and training fund; vehicle registration fees; municipal court assessments;" in line 2, after "amending" by inserting "K.S.A. 12-4112 and"; also in line 2, after "Supp." by inserting "8-145, 12-4117,"; also in line 2, after "22-2401a" by inserting ", 74-5619";

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

JEFF KING  
GREG SMITH  
DAVID HALEY

*Conferees on part of Senate*

JOHN BARKER  
CHARLES MACHEERS  
JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **HB 2696**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2739** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 6, before "Section" by inserting "New"; following line 34, by inserting:

"New Sec. 2. (a) On July 1, 2017, the budget stabilization fund is hereby established in the state treasury.

(b) On or before the 10<sup>th</sup> day of each month commencing July 1, 2017, the director of accounts and reports shall transfer from the state general fund to the budget stabilization fund interest earnings based on:

(1) The average daily balance of moneys in the budget stabilization fund, for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) On and after July 1, 2017, no moneys in the budget stabilization fund shall be expended pursuant to this subsection unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto.

(d) (1) During the 2016 interim between regular sessions of the legislature, the legislative budget committee shall study and review the policy concerning the balance of, transfers to and expenditures from the budget stabilization fund. The legislative budget committee study and review shall include, but not be limited to, the following:

(A) Risk-based budget stabilization fund practices utilized in other states.

(B) The appropriate number of years to review the state general fund:

(i) Revenue variances from projections; and

(ii) expenditure variances from budgets.

(C) The entity to certify the amount necessary in the budget stabilization fund to maintain the appropriate risk-based balance.

(D) Plan to fund the budget stabilization fund.

(E) Process and circumstances to reach the appropriate risk-based balance, including the amount of risk that is acceptable.

(F) Circumstances under which expenditures may be made from the fund.

(2) The legislative budget committee may make recommendations and introduce legislation as it deems necessary to implement such recommendations.

(3) Notwithstanding the provisions of sections 52 and 53 of chapter 104 of the 2015 Session Laws of the Kansas, section 18 of 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 regular session of the legislature, the legislative budget committee may meet not more than 10 days to study and review such policies as determined by the chairperson of the committee.

Sec. 3. K.S.A. 2015 Supp. 75-3721 is hereby amended to read as follows: 75-3721.

(a) On or before the eighth calendar day of each regular legislative session, the governor

shall submit the budget report to the legislature, except that in the case of the regular legislative session immediately following the election of a governor who was elected to the office of governor for the first time, that governor shall submit the budget report to the legislature on or before the 21<sup>st</sup> calendar day of that regular legislative session.

(b) The budget report of the governor shall be set up in three parts, the nature and contents of which shall include the following:

(1) Part one shall consist of a budget message by such governor, including the governor's recommendations with reference to the fiscal policy of the state government for the current fiscal year and the ensuing fiscal year, describing the important features of the budget plan for each of the fiscal years included, embracing a general budget summary setting forth the aggregate figures of the budget so as to show the balanced relation between the total proposed expenditures and the total anticipated income for the current fiscal year and the ensuing fiscal year, with the basis and factors upon which the estimates were made, and the means of financing the budget plan for the each of the fiscal years included, compared with the corresponding figures for at least the last completed fiscal year, and the director of the budget shall prepare the figures for the governor for such comparisons.

(A) The budget plan shall not include: (i) Any proposed expenditures of anticipated income attributable to proposed legislation that would provide additional revenues from either current or new sources of revenue; or (ii) any proposed expenditures of moneys in the ending balance in the state general fund required by K.S.A. 75-6702, and amendments thereto.

(B) The general budget summary may be supported by explanatory schedules or statements, classifying the expenditures contained therein by state agencies, objects, and funds, and the income by state agencies, funds, sources and types. The general budget summary shall include all special or fee funds as well as the state general fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

(2) Part two shall embrace the detailed budget estimates for each of the fiscal years included, both of expenditures and revenues, showing the requests of the state agencies, if any, and the governor's recommendations thereon, which shall include amounts for payments by the state board of regents pursuant to K.S.A. 75-4364, and amendments thereto. It shall also include statements of the bonded indebtedness of the state, showing the actual amount of the debt service for at least the last completed fiscal year, and the estimated amount for the current fiscal year and for each of the ensuing fiscal years included, the debt authorized and unissued, and the condition of the sinking funds.

(3) Part three shall consist of a draft of a legislative measure or measures reflecting the governor's budget for all of the fiscal years included in the budget report.

(c) The division of the budget shall compile a children's budget document consisting of the information contained in agency budget estimates regarding programs that provide services for children and their families. Such document shall be provided to the Kansas children's cabinet established by K.S.A. 38-1901, and amendments thereto, and other persons or entities on request.

(d) The division of the budget, upon request, shall furnish the governor or the legislature with any further information required concerning the budget.

(e) Nothing in this section shall be construed to restrict or limit the privilege of the governor to present supplemental budget messages or amendments to previous budget

messages, which may include proposals for expenditure of new or increased sources of revenue derived from proposed legislation.

(f) The budget estimate for the judicial branch of state government as submitted to the director of the budget pursuant to K.S.A. 20-158, and amendments thereto, shall be included in the governor's budget report.

(g) The division of the budget shall compile a Kansas homeland security budget document consisting of the information contained in agency budget estimates under ~~subsection (a)(3) of K.S.A. 75-3717(a)(3)~~, and amendments thereto. Such document shall be provided to the house of representatives committee on appropriations, the senate committee on ways and means and such other committees upon request.

(h) Commencing with fiscal year 2018, the ending balance in the state general fund in any fiscal year shall include the unexpended and unencumbered balances in the:

- (1) State general fund; and
- (2) budget stabilization fund, established in section 2, and amendments thereto.

Sec. 4. K.S.A. 75-3722, as amended by section 61 of 2016 Senate Bill No. 367, is hereby amended to read as follows: 75-3722. (a) An allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, and amendments thereto, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including:

- (1) Available resources;
- (2) current spending rates;
- (3) work loads;
- (4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations;
- (5) the minimum current needs of each agency;
- (6) requests for deficiency appropriations in prior fiscal years;
- (7) unexpended and unencumbered balances; and
- (8) revenue collection rates and prospects.

(b) Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as ~~he or she~~ the secretary may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year. When reviewing the resources of the general fund or any special revenue fund for the purposes of issuing an allotment, the secretary shall not take into consideration the balance in the budget stabilization fund.

(c) (1) The allotment system shall not apply to the legislature or to the courts or their officers and employees, or to payments made from the juvenile justice improvement fund, established in section 13, of 2016 Senate Bill No. 367, and amendments thereto, for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families. During the fiscal year ending June 30, 2017, the allotment system provided by this section shall not apply to any item of appropriation for employer contributions for the state of Kansas

and participating employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto.

(2) Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least 30 days before such decisions may become effective and any affected agency may, by written request addressed to the governor within 10 days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within 20 days after the governor receives requests for such ~~hearings review~~.

Sec. 5. K.S.A. 75-6704, as amended by section 62 of 2016 Senate Bill No. 367, is hereby amended to read as follows: 75-6704. (a) The director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. If the amount of such unencumbered ending balance in the state general fund is less than \$100,000,000, the director of the budget shall certify to the governor the difference between \$100,000,000 and the amount of such unencumbered ending balance in the state general fund, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate. When estimating the amount of the unencumbered ending balance of moneys in the state general fund for the purposes of such certification, the director of the budget shall not take into consideration the balance in the budget stabilization fund.

(b) Upon receipt of any such certification and subject to approval of the state finance council acting on this matter which is hereby declared to be a matter of legislative delegation and subject to the guidelines prescribed by K.S.A. 75-3711(c), and amendments thereto, the governor may issue an executive order reducing, by applying a percentage reduction determined by the governor in accordance with this section: (1) The amount authorized to be expended from each appropriation from the state general fund for the current fiscal year, other than any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or for payments made from the juvenile justice improvement fund for the development and implementation of evidence-based community programs and practices for juvenile offender and their families; and (2) the amount of each demand transfer from the state general fund for the current fiscal year, other than any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto.

(c) The reduction imposed by an executive order issued under this section shall be determined by the governor and may be equal to or less than the amount certified under subsection (a). Except as otherwise specifically provided by this section, the percentage reduction applied under subsection (b) shall be the same for each item of appropriation and each demand transfer and shall be imposed equally on all such items of

appropriation and demand transfers without exception. No such percentage reduction and no provisions of any such executive order under this section shall apply or be construed to reduce any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto. The provisions of such executive order shall be effective for all state agencies of the executive, legislative and judicial branches of state government.

(d) If the governor issues an executive order under this section, the director of accounts and reports shall not issue any warrant for the payment of moneys in the state general fund or make any demand transfer of moneys in the state general fund for any state agency unless such warrant or demand transfer is in accordance with such executive order and such warrant or demand transfer does not exceed the amount of money permitted to be expended or transferred from the state general fund.

(e) Nothing in this section shall be construed to: (1) Require the governor to issue an executive order under this section upon receipt of any such certification by the director of the budget; or (2) restrict the number of times that the director of the budget may make a certification under this section or that the governor may issue an executive order under this section.

Sec. 6. K.S.A. 75-3722, as amended by section 61 of 2016 Senate Bill No. 367, and 75-6704, as amended by section 62 of 2016 Senate Bill No. 367, and K.S.A. 2015 Supp. 75-3721 and 76-12a25 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in line 1, by striking "the budget process" and inserting "state finances"; in line 3, after "process" by inserting "; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722, as amended by section 61 of 2016 Senate Bill No. 367, and 75-6704, as amended by section 62 of 2016 Senate Bill No. 367, and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 76-12a25";

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

Senator Masterson moved the Senate adopt the Conference Committee Report on **HB 2739**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **H Sub SB 280**.

The House adopts the Conference Committee report on **SB 366**.

On motion of Senator Bruce, the Senate adjourned until 1:00 p.m., Sunday, May 1, 2016.

# Journal of the Senate

FIFTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Sunday, May 1, 2016, 1:00 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present  
Invocation by Senator Tom Arpke:

Almighty God, You have given us this good land for our heritage. We humbly ask You that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our land with honorable endeavor, sound learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitude brought here out of many nations and tongues. Endow with the Spirit of wisdom those to whom in Your name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Your law we may show forth Your praise among the nations on earth. In time of prosperity fill our hearts with thankfulness, and in the day of trouble do not allow our trust in You to fail. We ask all of this through Jesus Christ our Lord, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 128**.  
The House adopts the Conference Committee report on **SB 449**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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## ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 128; SB 224; H Sub SB 280; SB 449, S Sub HB 2049; HB 2632**.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 128** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 7-127 is hereby amended to read as follows: 7-127.

(a) Each applicant for admission to practice law in this state, in submitting the application, shall provide to the clerk of the supreme court the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto. Whenever any person whose application for admission to practice law in this state is pending shall move from the residential address listed on such person's application, or when the name of any such person is changed by marriage or otherwise, such person, within 10 days thereafter, shall notify the clerk of the supreme court in writing of such person's old and new residential addresses or of such person's former and new names.

(b) Any person whose application to practice law in Kansas is pending as of the effective date of this act, and for whom the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, is not correct on such application as of the effective date of this act, shall provide the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, in writing to the clerk of the supreme court within 60 days after the effective date of this act. The clerk of the supreme court, within 30 days after the effective date of this act, shall send notice to all persons whose applications to practice law in Kansas are pending as of the effective date of this act, that such persons are required by law to provide the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, in writing to the clerk of the supreme court within 60 days after the effective date of this act.

(c) The supreme court may require an applicant for admission to practice law in this state to be fingerprinted and submit to a national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal arrests and convictions in this state or other jurisdictions. The supreme court and the state board of law examiners are authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The state board of law examiners and the supreme court may use the information obtained from fingerprinting and the applicant's criminal history only for purposes of verifying the identification of any applicant and in the official determination of character and fitness of the applicant for admission to practice law in this state.

~~(d)~~ Local and state law enforcement officers and agencies shall assist the supreme court in taking and processing of fingerprints of applicants seeking admission to practice law in this state and shall release all records of an applicant's arrests and convictions to the supreme court and the state board of law examiners.

New Sec. 2. (a) The clerk of the supreme court shall maintain in the clerk's office a roster of attorneys licensed to practice law in Kansas. Such roster shall include the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, the congressional district of residence and the judicial district of residence for each person licensed to practice law in Kansas. Whenever any person licensed to practice law in Kansas moves from the residential address listed for such person on such roster, or when the name of any such person is changed by marriage or

otherwise, such person, within 10 days thereafter, shall notify the clerk of the supreme court in writing of such person's old and new residential addresses or of such person's former and new names.

(b) Each person on the roster of attorneys licensed to practice law in Kansas on the effective date of this act, and for whom the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, is not correct on such roster on the effective date of this act, shall provide the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, in writing to the clerk of the supreme court within 60 days after the effective date of this act. The clerk of the supreme court, within 30 days after the effective date of this act, shall send notice to all persons listed on the roster of attorneys licensed to practice law in Kansas on the effective date of this act, that such persons are required by law to provide the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, in writing to the clerk of the supreme court within 60 days of the effective date of this act.

(c) Only attorneys licensed to practice law in Kansas and residing in Kansas on or before the 15<sup>th</sup> day of February preceding the selection of the chairperson of the supreme court nominating commission as provided in K.S.A. 20-119, and amendments thereto, and only attorneys so licensed and residing in the congressional district on or before the 15<sup>th</sup> day of February preceding the selection of the members of the supreme court nominating commission to be chosen from among the members of the bar of such congressional district as provided in K.S.A. 20-120, and amendments thereto, and, in either event, only attorneys for whom the roster of attorneys licensed to practice law in Kansas contains the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, shall be entitled to make nominations or receive and cast ballots in such selections.

(d) (1) On or before the 20<sup>th</sup> day of February preceding the selection of a chairperson of the supreme court nominating commission, the clerk of the supreme court shall transmit a certified copy of the roster of attorneys licensed to practice law in Kansas to the secretary of state. Such certified copy shall include the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, for each person listed on the roster and having a residential address within Kansas as of the preceding 15<sup>th</sup> day of February.

(2) On or before the 20<sup>th</sup> day of February preceding the selection of a member of the supreme court nominating commission to be chosen from among the members of the bar of a congressional district, the clerk of the supreme court shall transmit a certified copy of the roster of attorneys licensed to practice law in Kansas to the secretary of state. Such certified copy shall include the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, for each person listed on the roster and having a residential address within the congressional district as of the preceding 15<sup>th</sup> day of February.

(3) The certified copy of the roster shall be transmitted in a format prescribed by the secretary of state. Upon receipt of such certified roster, the secretary of state shall append thereto the unique voter identification number for each person listed on the roster having such a number, as contained in the centralized voter registration database described in K.S.A. 2015 Supp. 25-2304, and amendments thereto.

(e) Notwithstanding any other provision of law, the names, residential addresses, dates of birth, unique voter identification numbers and dates of licensure to practice law in Kansas of all persons listed on the certified roster of attorneys licensed to practice law in Kansas created pursuant to subsection (d), including the information as appended to the roster pursuant to subsection (d), shall be disclosed upon proper request submitted to the clerk of the supreme court or to the secretary of state pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

Sec. 3. K.S.A. 2015 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

- (A) Satisfied the sentence imposed; or
- (B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either K.S.A. 2015 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(e) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a first violation of a city ordinance which would also constitute a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2015 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the

state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2015 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(j) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act:

(A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and

(B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications:

(A) To be an employee of the state gaming agency; or

(B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 4. K.S.A. 20-122 is hereby amended to read as follows: 20-122. (a) The clerk of the supreme court ~~may shall~~ use the certified roster of attorneys ~~in the clerk's office~~

licensed to practice law in Kansas, as provided to the secretary of state pursuant to section 2, and amendments thereto, for ascertaining the names and places of residence of those entitled to receive ballots and for ascertaining the qualifications of those nominated for membership on the commission. The clerk shall supply with each ballot distributed a certificate to be signed and returned by the member of the bar voting such ballot, evidencing the qualifications of such member of the bar to vote, including the name and residential address of such member of the bar, and certifying that the ballot was voted by the certifying voter.

(b) ~~To the end~~ In order to ensure that the vote cast may be secret, the clerk shall provide a separate envelope ~~shall be provided~~ for the ballot, in which the voted ballot only shall be placed, and the envelope containing the voted ballot shall be ~~returned in an~~ placed in another envelope, also to be supplied by the clerk, together with the signed certificate. ~~No~~ A ballot not accompanied by the signed certificate of the voter shall not be counted. When the voted ballots are received by the clerk they shall be separated from the certificates by the canvassers, and after the ballots are counted and the results certified ~~both~~, the ballots ~~and the certificates~~ shall be preserved by the clerk for a period of six months and the certificates shall be preserved by the clerk for a period of five years. No one shall be permitted to inspect ~~them~~ the ballots received pursuant to this section except on order of the supreme court. Unless otherwise ordered by the supreme court, at the end of such ~~six months~~ six-month period the clerk, ~~unless otherwise ordered by the supreme court~~, shall destroy ~~them~~ the ballots received pursuant to this section, and at the end of such five-year period, the clerk shall destroy the certificates received pursuant to this section.

(c) Within 14 days after the results of a selection are certified pursuant to this section, the clerk of the supreme court shall: (1) Create a list designating the position and year for which the selection was held and containing the names and residential addresses of all persons who returned a ballot with a signed certificate as described in subsection (b); and (2) transmit a certified copy of the list to the secretary of state. The list described in this subsection shall be transmitted in a format prescribed by the secretary of state. Upon receipt of the list described in this subsection, the secretary of state shall append the information contained therein to the roster for such selection as described in section 2, and amendments thereto.

(d) Notwithstanding any other provision of law, the certificates received for a selection pursuant to this section shall be disclosed upon proper request submitted to the clerk of the supreme court pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(e) Notwithstanding any other provision of law, the lists described in subsection (c) shall be disclosed upon proper request submitted to the clerk of the supreme court or to the secretary of state pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(f) The provisions of this section shall apply to all selections held under K.S.A. 20-119 and 20-120, and amendments thereto, which have not been canvassed pursuant to K.S.A. 20-130, and amendments thereto, regardless of whether such selections are scheduled, upcoming or pending as on the effective date of this act.

Sec. 5. K.S.A. 20-123 is hereby amended to read as follows: 20-123. (a) When the chairperson and other members of the commission chosen by the members of the bar have been elected, and after the names of the nonlawyer members appointed by the

governor have been certified to the clerk of the supreme court as provided in this act, the clerk shall make a record thereof in the clerk's office and shall notify the members of the commission of their election and appointment. The commission shall meet from time to time as may be necessary to discharge the responsibilities of the commission. Such meetings shall be held at such place as the clerk of the supreme court may arrange. Such meeting shall be held upon the call of the chairperson, or in the event of the chairperson's failure to call a meeting when a meeting is necessary, upon the call of any four members of the commission. The commission shall act only at a meeting, and may act only by the concurrence of a majority of its members. The commission shall have power to adopt such reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties as are consistent with this act and the constitution of the state of Kansas.

(b) (1) The supreme court nominating commission shall be and is hereby deemed to be a public body and shall be subject to the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public disclosure under the open records act.

Sec. 6. K.S.A. 20-130 is hereby amended to read as follows: 20-130. The canvassers at any election held pursuant to this act shall consist of the clerk of the supreme court ~~and two (2) or more persons who are members of the bar residing in Kansas, either practicing lawyers, justices or judges, designated to act as such by the chief justice, the secretary of state or the secretary of state's designee and the attorney general or the attorney general's designee.~~ The canvassers shall open and canvass the ballots and shall tabulate and sign the results as a record in the office of the clerk.

Sec. 7. K.S.A. 20-132 is hereby amended to read as follows: 20-132. When a vacancy occurs in the supreme court, the clerk of such court shall promptly notify the chairman of the commission of such vacancy, and the commission shall make nominations of three persons to fill such vacancy and certify the names of the nominees to the governor. When it is known that a vacancy will occur at a definite future date, but the vacancy has not yet occurred, the clerk shall notify the chairman of the commission thereof, and the commission may, ~~within sixty (60) days~~ prior to the occurrence of such vacancy, make its nominations and submit to the governor the names of three ~~(3)~~ persons nominated for such forthcoming vacancy. To the end that the administration of justice may be facilitated and that no vacancy on the supreme court may be permitted to exist unduly, the commission shall make its nominations for each vacancy and certify them to the governor as promptly as possible, and in any event not later than ~~sixty (60)~~ days from the time such vacancy occurs.

New Sec. 8. (a) Only attorneys licensed to practice law in Kansas and residing in the judicial district on or before the 15<sup>th</sup> day of November preceding the election of a lawyer member of the district judicial nominating commission, and for whom the roster of attorneys licensed to practice law in Kansas contains the information enumerated in

K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, shall be entitled to make nominations or receive and cast ballots in such elections.

(b) On or before the 20<sup>th</sup> day of November preceding the election of a lawyer member of the district judicial nominating commission, the clerk of the supreme court shall transmit a certified copy of the roster of attorneys licensed to practice law in Kansas to the secretary of state. Such certified copy shall include the information enumerated in K.S.A. 2015 Supp. 25-2309(b)(1) through (5), and amendments thereto, for each person listed on the roster and having a residential address within the judicial district as of the preceding 15<sup>th</sup> day of November. The certified copy of the roster shall be transmitted in a format prescribed by the secretary of state. Upon receipt of such certified roster, the secretary of state shall append thereto the unique voter identification number for each person listed on the roster having such a number, as contained in the centralized voter registration database described in K.S.A. 2015 Supp. 25-2304, and amendments thereto.

(c) Notwithstanding any other provision of law, the names, residential addresses, dates of birth, unique voter identification numbers and dates of licensure to practice law in Kansas of all persons listed on the certified roster of attorneys licensed to practice law in Kansas created pursuant to subsection (b), including the information as appended to the roster pursuant to subsection (b), shall be disclosed upon proper request submitted to the clerk of the supreme court or to the secretary of state pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

Sec. 9. K.S.A. 20-2904 is hereby amended to read as follows: 20-2904. (a) Lawyer members of the district judicial nominating commission shall be elected ~~by the lawyers who are qualified electors of the judicial district and who are registered with the clerk of the supreme court pursuant to rule 208 of such court. Each lawyer member of a district judicial nominating commission shall be a qualified elector of such judicial district pursuant to this section. The clerk of the supreme court shall use the certified roster of attorneys licensed to practice law in Kansas, as provided to the secretary of state pursuant to section 8, and amendments thereto, for ascertaining the names and places of residence of those entitled to receive ballots and for ascertaining the qualifications of those nominated for membership on the district judicial nominating commission.~~

(b) ~~The~~ The number of lawyer members to be elected to the district judicial nominating commission of a judicial district shall be as follows:

(1) In a judicial district consisting of a single county, the number of members elected shall be equal to the number of nonlawyer members appointed pursuant to ~~subsection (a)(1) of~~ K.S.A. 20-2905(a)(1), and amendments thereto.

(2) In a judicial district consisting of two counties, four members shall be elected.

(3) In a judicial district consisting of three or more counties, the number of members elected shall equal the number of counties in such judicial district.

~~(b)-(c) (1)~~ (1) Between December 1 and December 15 of the year in which nonpartisan selection of judges of the district court is approved by the electors of the judicial district as provided in K.S.A. 20-2901, and amendments thereto, the clerk of the supreme court shall send to each lawyer by ordinary first class mail a form for nominating one lawyer for election to the commission. Any such nomination shall be received in the office of the clerk of the supreme court on or before January 1 of the following year, together with the written consent of the nominee. After receipt of all nominations which are timely submitted, the clerk shall prepare a ballot containing the names of all lawyers so

nominated and shall mail one such ballot and instructions for voting such ballot to each registered lawyer in the judicial district. Ballots shall be prepared in such manner that each lawyer receiving the same shall be instructed to vote for not more than the number of positions to be filled. Each such ballot shall be accompanied by a certificate to be signed and returned by the lawyer voting such ballot, evidencing the qualifications of such lawyer to vote, including the name and residential address of such lawyer, and certifying that the ballot was voted by such person. In any judicial district in which the number of nominees does not exceed the number of positions to be filled, the clerk shall declare those nominees to be elected without preparation of a ballot.

(2) In order to insure that the election of lawyer members is by secret ballot, the clerk shall provide a separate envelope for the ballot, in which the voted ballot only shall be placed, and the envelope containing the voted ballot shall be placed in another envelope, also to be supplied by the clerk, together with the signed certificate, and received in the office of the clerk of the supreme court on or before February 15 of such year. A ballot not accompanied by the signed certificate of the voter shall not be counted. The ballots returned as provided in this section shall be canvassed within ~~five~~ 10 days thereafter. The canvassers shall consist of the clerk of the supreme court ~~and two or more persons who are registered members of the bar residing in Kansas, either practicing lawyers, justices or judges, designated to act as such by the chief justice, the secretary of state or the secretary of state's designee and the attorney general or the attorney general's designee.~~ The canvassers shall open and canvass the ballots and shall tabulate and sign the results as a record in the office of the clerk. After the ballots are counted and the results certified, the ballots shall be preserved by the clerk for a period of six months, and the certificates shall be preserved by the clerk for a period of five years. No one shall be permitted to inspect the ballots received pursuant to this section except upon order by the supreme court. Unless otherwise ordered by the supreme court, at the end of such six-month period, the clerk shall destroy the ballots received pursuant to this section, and at the end of such five-year period, the clerk shall destroy the certificates received pursuant to this section.

(c) Within 14 days after the results of an election are certified pursuant to this section, the clerk of the supreme court shall: (1) Create a list designating the positions and year for which the selection was held and containing the names and residential addresses of all persons who returned a ballot with a signed certificate as described in subsection (b); and (2) transmit a certified copy of the list to the secretary of state. The list described in this subsection shall be transmitted in a format prescribed by the secretary of state. Upon receipt of the list described in this subsection, the secretary of state shall append the information contained therein to the roster for such election as described in section 8, and amendments thereto.

(d) Notwithstanding any other provision of law, the certificates received for an election pursuant to this section shall be disclosed upon proper request submitted to the clerk of the supreme court pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(e) Notwithstanding any other provision of law, the lists described in subsection (c) shall be disclosed upon proper request submitted to the clerk of the supreme court or to the secretary of state pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

~~(e)-(f)~~ After the ballots are counted and tabulated in descending order from the nominee receiving the highest number of votes the canvassers shall declare to be elected those nominees who are equal in number to the number of lawyers to be elected and who have the greatest number of votes. In the event of a tie creating more nominees to be elected than there are positions to be filled, the canvassers shall determine the person or persons to be elected by lot. In the event that less than the required number of lawyers is elected, the positions for which lawyers have not been elected shall be declared vacant and the vacancies filled in the manner prescribed by ~~subsection (e) of K.S.A. 20-2906(e)~~, and amendments thereto.

~~(4)-(g)~~ The procedure provided in this section for election of lawyers to serve as members of the first district judicial nominating commission established in a judicial district shall apply to the election of lawyers to succeed lawyer members of the commission whose terms of office expire, except that the form for submitting a nomination shall be sent between December 1 and December 15 of the year preceding the year in which such terms of office expire, and the dates prescribed for submission of nominations and the mailing, returning and canvassing of ballots shall apply in the year in which such terms of office expire.

Sec. 10. K.S.A. 20-2907 is hereby amended to read as follows: 20-2907. (a) Prior to taking office, each member of a district judicial nominating commission shall take and subscribe an oath of office as provided by law for public officers, and shall file the same with the clerk of the supreme court. After the members of the first commission established in a judicial district have commenced their terms of office, the chairman shall call a meeting of the commission to be held within the judicial district at a time and place designated by the chairman. At such meeting, the commission shall determine a regular meeting place or places, and the commission shall have the power to adopt such reasonable and proper rules and regulations as are necessary for the conduct of its proceedings and the discharge of its duties, consistent with the provisions of this act and the constitution and laws of this state.

(b) The commission shall meet only upon call of the chairman, and the commission shall not take any final action except at such meeting. A majority of the members of the commission shall constitute a quorum to do business, but no final action shall be taken except upon a vote of the majority of the members of the commission.

(c) Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in performing their official duties, as provided in ~~subsections (b), (c) and (d) of K.S.A. 75-3223 (b), (c) and (d), and amendments thereto~~. Such expenses shall be paid from the judicial nominating commission fund as provided in K.S.A. 20-138, ~~as amended and amendments thereto~~.

(d) The board of county commissioners of each county in a judicial district shall cooperate with the district judicial nominating commission of such judicial district, and shall make available to the commission wherever possible the facilities and services of such county, in order to expedite the business of the commission.

(e) (1) A district judicial nominating commission shall be and is hereby deemed to be a public body and shall be subject to the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for

the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public disclosure under the open records act.;

Also on page 1, in line 17, by striking "The"; by striking all in lines 18 through 20; in line 21, by striking all before "It";

On page 2, in line 9, by striking all after "(b)"; by striking all in lines 10 through 20; in line 21, by striking "(c)";

Also, on page 2, following line 30, by inserting:

"Sec. 12. K.S.A. 2015 Supp. 20-3020 is hereby amended to read as follows: 20-3020. (a) (1) On and after July 1, 2013, any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(3) If the governor is making an appointment to the court of appeals, the governor shall make each applicant's name and city of residence available to the public whenever the governor stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

(4) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(5) If the chief justice of the supreme court is making an appointment to the court of appeals, the chief justice shall make each applicant's name and city of residence available to the public whenever the chief justice stops accepting applications for such appointment, but not less than 10 days prior to making such appointment.

~~(4)-(6)~~ Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment

shall be considered by the senate in the same procedure as provided in this section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall commence the duties of office upon appointment and consent, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.

(d) Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

Sec. 13. K.S.A. 2015 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A,

B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2015 Supp. 8-1025, and amendments thereto.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2015 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2015 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2015 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2015 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2015 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2015 Supp. 21-5604, and amendments thereto;

(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2015 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2015 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2015 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2015 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, ~~2013~~ 2015, through ~~July 1, 2015~~ June 30, 2017, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2015 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed

appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2015 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2015 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
- (14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- (15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;
- (16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or
- (17) the Kansas bureau of investigation for the purposes of:
  - (A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
  - (B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.
- (m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 14. K.S.A. 2015 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2015, through June 30, 2017, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2015 Supp. 21-6107(a), and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the

Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 15. K.S.A. 2015 Supp. 22-3609 is hereby amended to read as follows: 22-3609. ~~(+)~~ (a) The defendant shall have the right to appeal to the district court of the county from any judgment of a municipal court which adjudges the defendant guilty of a violation of the ordinances of any municipality of Kansas or any findings of contempt. The appeal shall be assigned by the chief judge to a district judge. The appeal shall stay all further proceedings upon the judgment appealed from.

~~(±)~~ (b) An appeal to the district court shall be taken by filing, in the district court of the county in which the municipal court is located, a notice of appeal and any appearance bond required by the municipal court. Municipal court clerks are hereby authorized to accept notices of appeal and appearance bonds under this subsection and shall forward such notices and bonds to the district court. No appeal shall be filed until after the sentence has been imposed. No appeal shall be taken more than 14 days after the date the sentence is imposed.

~~(±)~~ (c) The notice of appeal shall designate the judgment or part of the judgment appealed from. The defendant shall cause notice of the appeal to be served upon the city attorney prosecuting the case. The judge whose judgment is appealed from or the clerk

of the court, if there is one, shall certify the complaint and warrant to the district court of the county, but failure to do so shall not affect the validity of the appeal.

(4) (d) Except as provided herein, the trial of municipal appeal cases shall be to the court unless a jury trial is requested in writing by the defendant not later than seven days after first notice of trial assignment is given to the defendant or such defendant's counsel. The time requirement provided in this subsection regarding when a jury trial shall be requested may be waived in the discretion of the court upon a finding that imposing such time requirement would cause undue hardship or prejudice to the defendant. A jury in a municipal appeal case shall consist of six members. All appeals taken by a defendant from a municipal judge in contempt findings, cigarette or tobacco infraction or traffic infraction cases shall be tried by the court.

(5) (e) Notwithstanding the other provisions of this section, appeal from a conviction rendered pursuant to ~~subsection (b)~~ of K.S.A. 12-4416**(b)**, and amendments thereto, shall be conducted only on the record of the stipulation of facts relating to the complaint.

(f) At the conclusion of the case, the district court shall send notice of dismissal, conviction or acquittal to the municipal court clerk.

New Sec. 16. If any provision of this bill or the application thereof to any person or circumstances is held unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the bill which can be given effect without the unconstitutional or invalid portion or application, and, to this end, the provisions of this bill are severable.;

Also on page 2, in line 31, before "K.S.A" by inserting "K.S.A. 20-122, 20-123, 20-130, 20-132, 20-2904 and 20-2907 and"; also in line 31, after "Supp." by inserting "7-127, 12-4516, 12-4516d,"; also in line 31, by striking "is" and inserting ", 20-3020, 21-6614, 21-6614f, 22-2410 and 22-3609 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "courts; relating to attorney licensure; selection and appointment of judges and justices; supreme court nominating commission and district judicial nominating commissions; applicability of open meetings act and open records act; amending K.S.A. 20-122, 20-123, 20-130, 20-132, 20-2904 and 20-2907 and K.S.A. 2015 Supp. 7-127, 12-4516, 20-2909, 20-3020, 21-6614, 22-2410 and 22-3609 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f";

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

JOHN BARKER

CHARLES MACHEERS

*Conferees on part of House*

JEFF KING

GREG SMITH

*Conferees on part of Senate*

Senator King moved the Senate adopt the Conference Committee Report on **H Sub SB 128**.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 1; Absent or Not Voting 1.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Hawk, Pettey, V. Schmidt.

Present and Passing: Francisco.

Absent or Not Voting: Abrams.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 280** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 19, after "amended" by inserting ", shall be exempt from all property or ad valorem taxes levied under the laws of this state"; by striking lines 21 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 10;

On page 9, by striking all in lines 7 through 43;

By striking all on pages 10 through 14;

On page 15, by striking all in lines 1 through 28;

On page 16, in line 24, after "board" by inserting "relating to excise, income or estate taxes shall be to the court of appeals. Appeal of an order of the board relating to the valuation or assessment of property for ad valorem tax purposes or relating to the property tax protest"; in line 27, by striking all following "(A)"; by striking all in lines 28 and 29; in line 30, by striking "de novo"; in line 41, after "appeals" by inserting "relating to the valuation or assessment of property for ad valorem tax purposes or relating to the property tax protest";

On page 17, in line 5, after the first "the" by inserting "property"; in line 9, after "opinion" by inserting "relating to the valuation or assessment of property for ad valorem tax purposes or relating to the property tax protest";

On page 31, in line 26, before "prior" by inserting "at least 10 business days"; in line 29, by striking "or" and inserting "and"; also in line 29 after "website" by inserting ", if the county maintains a county website,";

On page 41, by striking all in lines 7 through 43;

By striking all on page 42;

On page 43, by striking all in lines 1 through 3; in line 4, by striking "exceeds the statewide average" and inserting "fails to meet the minimum appraisal standards for commercial real property established by the official Kansas appraisal/sales ratio study conducted for the preceding year by the division of property valuation of the department of revenue"; in line 10, by striking all following "selected"; in line 11, by striking all before the period and inserting "so to represent a sample of the commercial property types which failed to meet statistical compliance in the county"; by striking all in line 26 and inserting "74-2433f, 79-1448, 79-1609 or 79-"; in line 31, by striking all after "shall"; by striking all in lines 32 through 39; in line 40, by striking all before the period

and inserting "review and consider such appraisal in the determination of valuation or classification of the taxpayer's property and mail a supplemental notice of final determination. If the final determination is not in favor of the taxpayer then the county appraiser shall notify the taxpayer that the county is required to perform its own, or commission a fee simple single property appraisal. The county appraiser shall then have 90 days to furnish that appraisal along with a new supplemental notice of determination and if not in favor of the taxpayer include an explanation of the reasons the county appraiser did not rely upon the taxpayer's fee simple single property appraisal. Whenever a taxpayer submits a fee simple single property appraisal the burden of proof shall be on the county appraiser to dispute the value of that appraisal. Any taxpayer aggrieved by the final determination of the county appraiser may appeal to the state board of tax appeals as provided in K.S.A. 79-1609, and amendments thereto, within 30 days subsequent to the date of mailing of the supplemental notice of final determination";

On page 44, by striking all in lines 6 through 8 and inserting:

"Sec. 25. K.S.A. 2015 Supp. 12-1927 is hereby amended to read as follows: 12-1927. (a) (1) The recreation commission shall prepare an annual budget for the operation of the recreation system. Prior to the certification of its budget to the city or school district, the recreation commission shall meet for the purpose of answering and hearing objections of taxpayers relating to the proposed budget and for the purpose of considering amendments to such proposed budget. The recreation commission shall give at least 10 days' notice of the time and place of the meeting by publication in a weekly or daily newspaper having a general circulation in the taxing district. Such notice shall include the proposed budget and shall set out all essential items in the budget except such groupings as designated by the director of accounts and reports on a special publication form prescribed by the director of accounts and reports and furnished with the regular budget form. The public hearing required to be held herein shall be held not less than 10 days prior to the date on which the recreation commission is required to certify its budget to the city or school district.

(2) Except as provided in subsection (b), after such hearing the budget shall be adopted or amended and adopted by the recreation commission. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, the recreation commission shall annually, not later than August 1 of any year, certify its budget to such city or school district which shall levy a tax sufficient to raise the amount required by such budget on all the taxable tangible property within the taxing district.

(3) Each year a copy of the budget adopted by the recreation commission shall be filed with the city clerk in the case of a city-established recreation system or with the clerk of the school district in the case of a school district-established recreation system or with the clerk of the taxing district in the case of a jointly established recreation system. A copy of such budget also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The city or school district shall not be required to levy a tax in excess of the maximum tax levy set by the city or school district by current resolution. In the case of a new recreation

commission established under the provisions of this act, such levy shall not be required to exceed one mill. Whenever the recreation commission determines that the tax currently being levied for the commission, as previously established by the city or school district, is insufficient to operate the recreation system and the commission desires to increase the mill levy above the current levy, the commission shall request that the city or school district authorize an increase by adopting a resolution declaring it necessary to increase the annual levy. The city or school district may authorize the increase by resolution, but such increase shall not exceed one mill per year. The maximum annual mill levy for the recreation commission general fund shall not exceed a total of four mills.

(b) Prior to adopting the budget pursuant to subsection (a)(2), the Blue Valley recreation commission appointed by the Blue Valley unified school district no. 229 shall submit its proposed budget to the board of education of the school district. The board either shall approve or modify and approve the proposed budget. The recreation commission shall adopt the budget as approved or modified and approved by the school district board.

(c) Any resolution adopted under subsection (a) shall state the total amount of the tax to be levied for the recreation system and shall be published once each week for two consecutive weeks in the official newspaper of the taxing district. Whereupon, such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by at least 5% of the qualified voters of the taxing district, is filed with the county election officer within 30 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the voters of the taxing district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne by the recreation commission. Such taxes shall be levied and collected in like manner as other taxes, which levy the city or school district shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the ex officio treasurer of the recreation commission.

~~(e)(d)~~ The tax levy provided in this section shall not be considered a levy of such city or school district under any of the statutes of this state, but shall be in addition to all other levies authorized by law and, with respect to any such levy made for the first time in 1989, shall not be subject to the provisions of K.S.A. 79-5021 et seq., and amendments thereto.

~~(d)(c)~~ (1) At any time after the making of the first tax levy pursuant to this act, the amount of such tax levy may be reduced by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by subsection ~~(b)~~ (c). The authority of any recreation commission in existence on the effective date of this act or any recreation commission established under the provisions of this act to operate and conduct its activities may be revoked in any year following the third year of its operation by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the

same manner as that prescribed by subsection ~~(b)~~ (c). If the petition submitted is for the purpose of reducing the mill levy, it shall state the mill levy reduction desired. Upon revocation, all property and money belonging to the recreation commission shall become the property of the taxing authority levying the tax for the commission, and the recreation commission shall be dissolved. In the event the authority of a recreation commission is revoked pursuant to this subsection, the taxing authority may continue to levy a tax in the manner prescribed by the petition language for the purpose of paying any outstanding obligations of the recreation commission which exist on the date such authority is revoked. The authority to levy a tax for this purpose shall continue only as long as such outstanding obligations exist.

(2) If the recreation district whose authority is revoked owns any real property at the time of such revocation, title to such real property shall revert to the taxing authority.

~~(e)~~ (f) All financial records of the recreation commission shall be audited as provided in K.S.A. 75-1122, and amendments thereto, and a copy of such annual audit report shall be filed with the governing body of the city or school district, or both, in the case of a jointly established recreation system. A copy of such audit also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The cost of each audit shall be borne by the recreation commission.";

Also on page 44, in line 10, following "Supp." by inserting "12-1927,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, by striking "3-114, 12-1688,"; also in line 7, by striking "19-3557,"; in line 8, by striking all before "79-504"; in line 9, by striking the first comma and inserting "and"; also in line 9, by striking ", 80-1520 and 80-1548"; in line 10, by striking ", 12-1928, 12-1936, 27-323";

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

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

LES DONOVAN

CARYN TYSON

TOM HOLLAND

*Conferees on part of Senate*

A motion by Senator Donovan to not adopt the conference committee report on **H Sub SB 280** and appoint new conferees prevailed.

The President appointed Senators Donovan, Tyson and Holland as second conferees on the part of the Senate.

#### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 366** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on

conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, following line 5, by inserting:

"New Section 1. As used in sections 1 and 2, and amendments thereto:

(a) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(b) "Food that is a menu item in vending machines" means food dispensed through a machine or other mechanical device that accepts payment.

(c) "Retail food establishment" or "food service operation" means any place in which food is served or is prepared on the premises for retail sale or service in a heated state or heated by the seller, mixed or combined by the seller for sale as a single item or sold with eating utensils provided by the seller and is intended for immediate consumption. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries, drive-in restaurants and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(d) "Food nutrition information" includes, but is not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, sodium and allergen content of food. "Food nutrition information" also includes the designation of food as healthy or unhealthy.

(e) "Political subdivision" means political or taxing subdivisions of the state, including counties, townships, cities, school districts, authorities or other municipal or public corporations, agencies, boards, commissions, councils, committees, subcommittees and other subordinate groups or administrative units thereof, receiving or expending and supported, in whole or in part, by public funds.

(f) "Consumer incentive item" means any licensed media character, toy, game, trading card, contest, point accumulation, club membership, admission ticket, token, code or password for digital access, coupon, voucher, incentive, crayons, coloring placemats or other premium, prize or consumer product that is associated with a meal served by or acquired from a food service operation.

New Sec. 2. (a) The regulation of consumer incentive items and nutrition labeling for food and nonalcoholic beverages that are menu items in restaurants, retail food establishments or vending machines is reserved to the legislature and may be regulated only by legislation of statewide application enacted after the effective date of this act. The regulation of the provision of food nutrition information and consumer incentive items at food service operations and how food service operations are characterized are matters of general statewide interest that require statewide regulation, and rules and regulations adopted under this section constitute a comprehensive plan with respect to all aspects of the regulation of the provision of food nutrition information and consumer incentive items at food service operations in this state. Rules and regulations adopted under this act shall be applied uniformly throughout this state.

(b) The state of Kansas, and any political subdivision thereof, shall not do any of the following:

(1) Enact, adopt or continue in effect local legislation relating to the provision or nonprovision of food nutrition information or consumer incentive items at food service operations;

(2) condition any license, permit or regulatory approval upon the provision or nonprovision of food nutrition information or consumer incentive items at food service operations;

(3) ban, prohibit or otherwise restrict food at food service operations based upon the food's nutrition information or upon the provision or nonprovision of consumer incentive items;

(4) condition any license, permit or regulatory approval for a food service operation upon the existence or nonexistence of food-based health disparities;

(5) where food service operations are permitted to operate, ban, prohibit or otherwise restrict a food service operation based upon the existence or nonexistence of food-based health disparities as recognized by the department of health, the institute of health or the centers for disease control;

(6) restrict the sale, distribution or serving of foods and nonalcoholic beverages that are approved for sale by the United States department of agriculture or other federal or state government agencies; or

(7) restrict the growing or raising of livestock or grain, vegetables, fruits or other crops grown or raised for food and approved for sale by the United States department of agriculture or other federal or state government agencies.

(c) Sections 1 and 2, and amendments thereto, shall not be interpreted as being more restrictive than any federal law or affecting in any manner the regulation of the nutrition labeling of food that is a menu item in restaurants, retail food establishments and vending machines pursuant to the federal food, drug and cosmetic act, 21 U.S.C. § 343(q)(5)(H).

(d) Nothing in sections 1 and 2, and amendments thereto, restricts a political subdivision, as defined herein, from owning or managing a food service facility and from purchasing and serving food products according to the Kansas food code and their own policies as long as those policies are not laws or ordinances restricting any other entity.

(e) Nothing in sections 1 and 2, and amendments thereto, shall be construed as limiting or restricting the zoning authority of a political subdivision authorized by article 7 of chapter 12 or article 29 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or by any other provision of law.

(f) Nothing in sections 1 and 2, and amendments thereto, restricts a political subdivision, as defined herein, from creating and promulgating food nutrition information or food-based health disparity information, only in accordance with the United States department of agriculture dietary guidelines for Americans promulgated under 7 U.S.C. § 5341, as long as the information is not contained in a law or ordinance restricting any other entity.

(g) Nothing in this act restricts a political subdivision from financially participating in a food assistance program as long as that program operates in accordance with the United States department of agriculture dietary guidelines for Americans promulgated under 7 U.S.C. § 5341, and as long as the program is not contained in a law or ordinance restricting any other entity.

New Sec. 3. (a) No city or county shall adopt, enforce or maintain a residential

property licensing ordinance or resolution which includes a requirement for periodic interior inspections of privately owned residential property for city or county code violations unless the lawful occupant has consented to such interior inspections. This subsection shall not apply to inspections of mixed-use residential and commercial property. This subsection shall not prohibit a city or county from conducting plan reviews, periodic construction inspections or final occupancy inspections as required by building permits.

(b) Any lawful occupant residing in privately owned residential housing located within the corporate limits of a city may request an inspection at any time by the city or, if the property is located in the unincorporated area of the county, by the county to determine code violations.";

Also, on page 1, following line 24, by inserting:

"(d) No political subdivision shall require any owner of privately owned property to agree to any requirements that would have the effect of controlling the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned property, as a condition for consideration or approval of:

- (1) Any building permit or plat; or
- (2) any request for a zoning regulation, boundary, classification or a conditional use permit, or for a change or variance in a zoning regulation, boundary, classification or a conditional use permit.

Sec. 5. K.S.A. 2015 Supp. 12-16,130 is hereby amended to read as follows: 12-16,130. (a) No city, county or local government unit shall enact or administer any ordinance, resolution or law which requires an employer to:

- (1) Provide to such employer's employees any leave from work, either with or without pay, unless such leave is required by state or federal law;
- (2) pay compensation to such employer's employees for any leave from work unless payment of compensation for such leave is required by state or federal law;
- (3) pay compensation or wages at any rate higher than the minimum wage unless the payment of higher compensation or wages is required by state or federal law; ~~or~~
- (4) offer an employee benefit other than those required by state or federal law; or
- (5) alter or adjust any employee scheduling unless the alteration or adjustment is required by state or federal law.

(b) Subsection (a) shall not impact, or apply to, requirements under state economic development incentive programs or city, county, local government or local economic development agency business attraction, retention or recruitment programs.";

Also on page 1, in line 25, by striking "is" and inserting "and K.S.A. 2015 Supp. 12-16,130 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to economic development;"; also in line 1, after "concerning" by inserting "local governmental regulatory authority; relating to regulation of food labeling, food-related consumer incentive items, food distribution and food production; inspection of residential property;"; in line 2, by striking all before "private"; also in line 2, after the semicolon by inserting "regulation of employers with regard to employee scheduling;"; in line 3, after "12-16,120" by inserting "and K.S.A. 2015 Supp. 12-16,130"; also in line 3, by striking "section" and inserting "sections";

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

MARK HUTTON

LES MASON

*Conferees on part of House*

JULIA LYNN

SUSAN WAGLE

*Conferees on part of Senate*

Senator Lynn moved the Senate adopt the Conference Committee Report on **SB 366**.

Senator Francisco moved to not adopt the Conference Committee Report on **SB 366** and appoint a new Conference Committee. Motion failed.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn.

Nays: Francisco, Hawk, Hensley, Holland, Kelly, Pettey.

Present and Passing: McGinn, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 449** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments as follows:

On page 1, by striking all in lines 18 through 32;

By striking all on pages 2 through 63;

On page 64, by striking all in lines 1 through 6; following line 6, by inserting:

"Section 1. The purpose of this act is the development, establishment and enforcement of standards:

(a) For the care, treatment, health, safety, welfare and comfort of individuals residing in or receiving treatment or services provided by residential care facilities, residential and day support facilities, private and public psychiatric hospitals, psychiatric residential treatment facilities, community mental health centers and providers of other disability services licensed by the secretary for aging and disability services; and

(b) for the construction, maintenance or operation, or any combination thereof, of facilities, hospitals, centers and providers of services that will promote safe and adequate accommodation, care and treatment of such individuals.

Sec. 2. As used in this act, the following terms shall have the meanings ascribed to them in this section:

(a) "Center" means a community mental health center.

(b) "Community mental health center" means a center organized pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or a mental health clinic organized pursuant to article 2 of chapter 65 of the Kansas Statutes

Annotated, and amendments thereto.

(c) "Department" means the department for aging and disability services.

(d) "Facility" means any place other than a center or hospital that meets the requirements as set forth by regulations created and adopted by the secretary, where individuals reside and receive treatment or services provided by a person or entity licensed under this act.

(e) "Hospital" means a psychiatric hospital.

(f) "Individual" means a person who is the recipient of behavioral health, intellectual disabilities, developmental disabilities or other disability services as set forth in this act.

(g) "Licensee" means one or more persons or entities licensed by the secretary under this act.

(h) "Licensing agency" means the secretary for aging and disability services.

(i) "Other disabilities" means any condition for which individuals receive home and community based waiver services.

(j) "Provider" means a person, partnership or corporation employing or contracting with appropriately credentialed persons that provide behavioral health, excluding substance use disorder services for purposes of this act, intellectual disability, developmental disability or other disability services in accordance with the requirements as set forth by rules and regulations created and adopted by the secretary.

(k) "Psychiatric hospital" means an institution, excluding state institutions as defined in K.S.A. 76-12a01, and amendments thereto, that is primarily engaged in providing services, by and under the supervision of qualified professionals, for the diagnosis and treatment of mentally ill individuals, and the institution meets the licensing requirements as set forth by rules and regulations created and adopted by the secretary.

(l) "Psychiatric residential treatment facility" means any non-hospital facility with a provider agreement with the licensing agency to provide the inpatient services for individuals under the age of 21 who will receive highly structured, intensive treatment for which the licensee meets the requirements as set forth by regulations created and adopted by the secretary.

(m) "Residential care facility" means any place or facility, or a contiguous portion of a place or facility, providing services for two or more individuals not related within the third degree of relationship to the administrator, provider or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations, and which place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of an individual's independence, including crisis residential care facilities.

(n) "Secretary" means the secretary for aging and disability services.

(o) "Services" means the following types of behavioral health, intellectual disability, developmental disability and other disability services, including, but not limited to: Residential supports, day supports, care coordination, case management, workshops, sheltered domiciles, education, therapeutic services, assessments and evaluations, diagnostic care, medicinal support and rehabilitative services.

Sec. 3. (a) In addition to the authority, powers and duties otherwise provided by

law, the secretary shall have the following authority, powers and duties to:

(1) Enforce the laws relating to the hospitalization of mentally ill individuals of this state in a psychiatric hospital and the diagnosis, care, training or treatment of individuals receiving services through community mental health centers, psychiatric residential treatment facilities for individuals with mental illness, residential care facilities or other facilities and services for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities.

(2) Inspect, license, certify or accredit centers, facilities, hospitals and providers for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation, and to deny, suspend or revoke a license granted for causes shown.

(3) Set standards for centers, facilities, hospitals and providers for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation.

(4) Set standards for, inspect and license all providers and facilities for individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities receiving assistance through the Kansas department for aging and disability services which receive or have received after June 30, 1967, any state or federal funds, or facilities where individuals with mental illness, intellectual disabilities or developmental disabilities reside who require supervision or require limited assistance with the taking of medication. The secretary may adopt rules and regulations that allow the facility to assist an individual with the taking of medication when the medication is in a labeled container dispensed by a pharmacist.

(5) Enter into contracts necessary or incidental to the performance of the secretary's duties and the execution of the secretary's powers.

(6) Solicit and accept for use any gift of money or property, real or personal, made by will or otherwise, and any grant of money, services or property from the federal government, the state or any political subdivision thereof or any private source and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant.

(7) Administer or supervise the administration of the provisions relating to individuals with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation and regulations.

(8) Coordinate activities and cooperate with treatment providers or other facilities for those with mental illness, intellectual disabilities, developmental disabilities or other disabilities pursuant to federal legislation and regulations in this and other states for the treatment of such individuals and for the common advancement of these programs and facilities.

(9) Keep records, gather relevant statistics, and make and disseminate analyses of the same.

(10) Do other acts and things necessary to execute the authority expressly granted to the secretary.

(b) Notwithstanding the existence or pursuit of any other remedy, the secretary for aging and disability services, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for an injunction against any person or facility to restrain or prevent the operation of a residential care facility, crisis residential care facility, private or public psychiatric

hospital, psychiatric residential treatment facility, provider of services, community mental health center or any other facility providing services to individuals without a license.

(c) Reports and information shall be furnished to the secretary by the superintendents, executive or other administrative officers of all psychiatric hospitals, community mental health centers or facilities serving individuals with intellectual disabilities or developmental disabilities and facilities serving other disabilities receiving assistance through the Kansas department for aging and disability services.

Sec. 4. (a) The secretary may adopt rules and regulations necessary to carry out the provisions of this act. Such rules and regulations may prescribe minimum standards and requirements relating to: The location, building, size of centers, facilities and hospitals; environmental standards; capacity; the individuals allowed; the types of services offered; the records to be kept; medication management; policies and procedures specific to centers, facilities, hospitals and providers; the kind and frequency of reports and inventories to be made; and may generally establish such requirements as may be deemed necessary to protect the health, safety, hygiene, welfare and comfort of the individuals.

(b) The authority granted to the secretary under this act is in addition to other statutory authority the secretary has to require the licensing and operation of centers, facilities, hospitals and providers and is not to be construed to limit any of the powers and duties of the secretary under article 59 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 5. All pertinent laws of this state and lawfully adopted ordinances and rules and regulations shall be strictly complied with in the operation of any center, facility, hospital or provision of services in this state. All centers, facilities, hospitals and providers shall comply with all the lawfully established requirements and rules and regulations of the secretary and the state fire marshal, and any other agency of government so far as pertinent and applicable to such centers, facilities, hospitals and providers, their buildings, staff, facilities, maintenance, operation, conduct and the care and treatment of individuals.

Sec. 6. It shall be unlawful for any person or entity to operate a center, facility, hospital or be a provider of services within this state, except upon obtaining a license for that purpose from the secretary as the licensing agency upon application made therefor as provided in this act, and complying with the requirements, standards, rules and regulations promulgated under its provisions.

Sec. 7. An application for a license to operate a center, facility, hospital or to be a provider of services shall be made in writing to the licensing agency on forms made available by the agency. The application shall contain all information required by the licensing agency, which may include affirmative evidence of the applicant's ability to comply with the standards and rules and regulations as adopted under the provisions of this act. The application shall be signed by the person or persons seeking the license or by a duly authorized agent.

Sec. 8. (a) Upon receipt of an initial or renewal application for a license, the licensing agency, with the approval of the state fire marshal, shall issue a license if the applicant is fit and qualified and if the center, facility, hospital or provider meets the requirements established under this act and such rules and regulations as are adopted under the provisions of this act. The licensing agency, the state fire marshal and the

county, city-county or multi-county health departments or their designated representatives shall make such inspections and investigations as are necessary to determine the conditions existing in each case, and a written report of such inspections and investigations and the recommendations of the state fire marshal and the county, city-county or multi-county health department or their authorized agents shall be filed with the licensing agency. A copy of any inspection report required by this section shall be furnished to the applicant.

(b) The initial application for licensure and renewal of licensure fees for a license shall be fixed by the secretary by rules and regulations. The initial application for licensure fee shall be paid to the secretary when the license is applied for and annually thereafter. The fee shall not be refundable. Fees in effect under this subsection immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary by rules and regulations.

(c) Each license shall be issued only for the premises or providers named in the application, or both, and shall not be transferable or assignable. The license shall be posted in a conspicuous place in the center, facility, hospital or provider's principal location. If the annual report is not so filed and a renewal of licensure fee, if any, is not paid, such license shall be automatically denied or revoked. Any license granted under the provisions of this act shall state the type of facility or service for which the license is granted, the number of individuals for whom granted, the person or persons to whom granted, the date and such additional information and special limitations deemed appropriate by the licensing agency.

(d) A license, unless sooner suspended or revoked, shall remain in effect until the date of expiration specified by the secretary. Licensees seeking renewal shall file a renewal application containing such information in such form as the licensing agency prescribes together with payment of any required annual fee. Upon review and approval by the licensing agency and the state fire marshal or their duly authorized agents, a license shall be issued and effective until the date of expiration.

(e) (1) Programs and treatments provided by a community mental health center that have been previously licensed by the secretary for aging and disability services and that have also been accredited by the commission on accreditation of rehabilitation facilities or the joint commission, or another national accrediting body approved by the secretary for aging and disability services, shall be granted a license renewal based on such accreditation.

(2) The Kansas department for aging and disability services shall inspect accredited community mental health centers to determine compliance with state licensing standards and rules and regulations not covered by the accrediting entity's standards. Community mental health centers receiving accreditation shall continue to be subject to inspections and investigations by the Kansas department for aging and disability services resulting from complaints.

Sec. 9. (a) No licensee shall knowingly operate a center, facility, hospital or be a provider of services if any person who works in the center, facility, hospital or for a provider of services:

(1) (A) Has a felony conviction for a crime against persons;

(B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and

amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2015 Supp. 21-5301, and amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2015 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or

(D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2015 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(2) has been adjudicated a juvenile offender because of having committed an act which if committed by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2015 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2015 Supp. 38-2226, and amendments thereto, and:

(A) The person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;

(4) has had a child removed from home based on a court order pursuant to K.S.A. 2015 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan;

(5) has had parental rights terminated pursuant to the revised Kansas code for the care of children or a similar statute of another state; or

(6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense.

(b) No licensee shall operate a center, facility, hospital or be a provider of services if such person has been found to be an adult with an impairment in need of a guardian or a conservator, or both, as provided in the act for obtaining a guardian or conservator,

or both.

(c) The secretary shall notify the licensee, within 10 business days, when the result of the national criminal history record check or other appropriate review reveals unfitness as specified in subsections (a)(1) through (6) with regard to the person who is the subject of the review.

(d) No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good faith to comply with this section.

(e) Any licensee or member of the staff who receives information concerning the fitness or unfitness of any person shall keep such information confidential, except that the staff person may disclose such information to the person who is the subject of the request for information. A violation of this subsection shall be an unclassified misdemeanor punishable by a fine of \$100.

(f) The licensing agency may require a person seeking licensure or applying to work in a facility to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The licensing agency is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The licensing agency may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, work with, or provide services to individuals as applicable under this act.

(g) The secretary shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, including adjudications of a juvenile offender which if committed by an adult would have been a felony conviction for the purposes specified in this act. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(h) The secretary shall charge each person or licensee requesting information under this section a fee equal to cost for each person about which an information request has been submitted to the department under this section.

(i) For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall request from the Kansas department for aging and disability services information regarding any criminal history information relating to a person who works in the center, facility, hospital or for a provider of services, or who is being considered for employment or volunteer work in the facility, center, hospital or with the service provider, for the purpose of determining whether such person is subject to the provisions of this section. For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall report the dates of employment and separation of all persons working for the licensee operating a center, facility, hospital or a provider of services. For the purposes of complying with this section, any employment agency which provides employees to work in a center, facility, hospital or a provider of services shall request

and receive an eligibility determination from the Kansas department for aging and disability services. Any licensee operating a center, facility, hospital or a provider of services will obtain written documentation that such employees are eligible to work. For the purpose of complying with this section, a licensee may hire an applicant for employment on a conditional basis pending the results from the Kansas department for aging and disability services of an eligibility determination under this subsection. As required by the patient protection and affordable care act, 42 U.S.C. § 18001, a person disqualified from employment due to a valid background check may appeal in accordance with requirements, standards, rules and regulations to be promulgated by the secretary.

(j) No person who works for a center, facility or hospital and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the center, facility or hospital shall be subject to the provisions of this section.

(k) A licensee may request from the Kansas department for aging and disability services criminal history information on persons employed under subsection (j).

(l) The licensee operating a center, facility, hospital or a provider of services shall not require an applicant under this section to be fingerprinted, if the applicant has been the subject of a background check under this act within one year prior to the application for employment with the licensee operating a center, facility, hospital or a provider of services and has maintained a record of continuous employment, with no lapse of employment of over 90 days in any center, facility, hospital or a provider of services covered by this act.

(m) No person who is in the custody of the secretary of corrections and who provides services under direct supervision in non-patient areas on the grounds or other areas designated by the secretary of corrections shall be subject to the provisions of this section while providing such services.

Sec. 10. All licenses issued under the provisions of chapter 33 of article 75 of the Kansas Statutes Annotated, and amendments thereto, for centers, facilities, hospitals and providers prior to the effective date of this act shall continue in force until the license's date of expiration unless sooner suspended or revoked as provided in this act. All persons holding such licenses which are in force on the effective date of this act shall be permitted not more than four months from the effective date of this act to comply with the rules and regulations and standards promulgated under the authority of this act wherein those rules and regulations and standards differ in any substantial respect from those in force and effect immediately prior to the effective date of this act under the provisions of chapter 59 of article 75 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 11. (a) Inspections and investigations shall be made, announced or unannounced, and reported in writing by the authorized agents and representatives of the licensing agency and state fire marshal, and of the county, city-county and multi-county health departments as often and in the manner and form prescribed by the rules and regulations promulgated under the provisions of this act. Access shall be given to the premises of any center, facility, hospital or provider, depending on the type of service provided by the provider and locations at any time upon presenting adequate identification to carry out the requirements of this section and the provisions and purposes of this act. Access shall be given to the premises of a facility that is a private

residence only for cause as prescribed by rules and regulations adopted under the provisions of this act. Failure to provide such access may constitute grounds for denial, suspension or revocation of the license. A copy of any inspection or investigation reports required by this section shall be furnished to the applicant or licensee. An exit interview shall be conducted with the licensee.

(b) The secretary shall inspect any facility or provider of residential services which serves two or more residents who are not self-directing their services, and which is subject to licensure under this act.

(c) Every licensee shall post in a conspicuous place a notice indicating that the most recent inspection report and related documents may be examined upon request. If requested, the licensee shall provide the most recent inspection report and related documents, subject to the payment of a reasonable charge to cover copying costs.

Sec. 12. A provisional license may be issued to any center, facility, hospital or provider which is temporarily unable to conform to all the standards, requirements and rules and regulations established under the provisions of this act. The issuance of such provisional license shall be subject to approval by the state fire marshal. A provisional license may be issued for not more than six months to provide time to make necessary corrections. One additional successive six-month provisional license may be granted at the discretion of the licensing agency. A change of ownership during the provisional licensing period will not extend the time for the requirements to be met that were the basis for the provisional license, nor entitle the new owner to an additional provisional license.

Sec. 13. (a) Whenever the licensing agency finds a substantial failure to comply with the requirements, standards or rules and regulations established under this act, it shall make an order denying, suspending or revoking the license after notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(b) Except as provided in subsection (c), whenever the licensing agency denies, suspends or revokes a license under this section, the applicant or licensee shall not be eligible to apply for a new license or reinstatement of a license for a period of two years from the date of denial, suspension or revocation.

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon such applicant or licensee under the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, and the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto, to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

(2) Any licensee issued a notice of intent to take action by the licensing agency under this section may enter into a settlement agreement, as approved by the licensing agency, with the licensing agency at any time upon submission of a written waiver of any right conferred upon such licensee under the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, and the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(d) In the event that a community mental health center accredited by the

commission on accreditation of rehabilitation facilities or the joint commission, or another national accrediting body approved by the secretary for aging and disability services, loses accreditation by such accrediting entity, the community mental health center shall immediately notify the Kansas department for aging and disability services.

Sec. 14. (a) As used in this section, the term "person" means any person who is an applicant for a license or who is the licensee and who has any direct or indirect ownership interest of 25% or more in the center, facility or hospital; or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such center, facility or hospital; or any of the property or assets of such center, facility or hospital; or who, if the center, facility, hospital or provider is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) The licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to this act or to article 59 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto;

(2) has had a license to operate a center, facility or hospital denied, suspended, revoked or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of such action of the other jurisdiction being conclusive evidence thereof;

(3) has failed or refused to comply with the medicaid requirements of title XIX of the social security act, or medicaid regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(4) has failed or refused to comply with the medicare requirements of chapter 7 of title 42 of the United States code, or medicare regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(5) has been convicted of a felony;

(6) has failed to assure that nutrition, medication or treatment of individuals, including the use of restraints, are in accordance with acceptable medical practices; or

(7) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to this act or to article 59 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 15. (a) Any person operating a center, facility, hospital or a provider of services in this state without a license under this law shall be guilty of a class B misdemeanor. Any person who shall violate any other provision of this act or the requirements of any rules and regulations promulgated hereunder shall be guilty of a class B misdemeanor.

(b) Notwithstanding the existence or pursuit of any other remedy, the secretary, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for injunction or other process against any person or agency to restrain or prevent the operation of a center, facility, hospital or provision of services without a license under this act.

Sec. 16. (a) A correction order may be issued by the secretary or the secretary's

designee to a licensee whenever the state fire marshal or the marshal's representative or a duly authorized representative of the secretary inspects or investigates a center, facility, hospital or provider and determines that the center, facility, hospital or provider is not in compliance with the provisions of this act or article 59 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations promulgated thereunder and such non-compliance is likely to adversely affect the health, safety, nutrition or sanitation of the individuals or the public. The correction order shall be served upon the licensee either personally or by certified mail, return receipt requested. The correction order shall be in writing, shall state the specific deficiency, cite the specific statutory provision or rule and regulation alleged to have been violated and shall specify the time allowed for correction.

(b) If upon re-inspection by the state fire marshal or the marshal's representative or a duly authorized representative of the secretary, it is found that the licensee has not corrected the deficiency or deficiencies specified in the correction order, the secretary may assess a civil penalty in an amount not to exceed \$500 per day, per deficiency, against the licensee for each day subsequent to the day following the time allowed for correction of the deficiency as specified in the correction order, the maximum assessment shall not exceed \$2,500. A written notice of assessment shall be served upon the licensee either personally or by certified mail, return receipt requested.

(c) Before the assessment of a civil penalty, the secretary shall consider the following factors in determining the amount of the civil penalty to be assessed:

(1) The severity of the violation;

(2) the good faith effort exercised by the center, facility, hospital or provider to correct the violation; and

(3) the history of compliance of the licensee of the center, facility, hospital or provider with the rules and regulations. If the secretary finds that some or all deficiencies cited in the correction order have also been cited against the center, facility, hospital or provider as a result of any inspection or investigation which occurred within 18 months prior to the inspection or investigation which resulted in such correction order, the secretary may double the civil penalty assessed against the licensee, the maximum not to exceed \$5,000.

(d) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the licensee, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary may file a certified copy of the notice of assessment with the clerk of the district court in the county where the center, facility, hospital or provider is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

(e) All civil penalties collected pursuant to the provisions of this act shall be deposited in the state general fund.

Sec. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

Sec. 18. (a) Notwithstanding any other provision of law, the Kansas department for aging and disability services, solely or in consultation or cooperation with any other state agency, shall not enter into any agreement or take any action to outsource or

privatize any operations or facilities of the Larned state hospital or Osawatomie state hospital without prior specific authorization by an act of the legislature or an appropriation act of the legislature.

(b) Nothing in this section shall prevent the Kansas department for aging and disability services from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomie state hospital.

(c) Nothing in this section shall prevent the Kansas department for aging and disability services from entering into an agreement for services at the Larned state hospital or the Osawatomie state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016.

Sec. 19. K.S.A. 2015 Supp. 39-968 is hereby amended to read as follows: 39-968.

(a) To achieve a quality of life for Kansans with long-term care needs in an environment of choice that maximizes independent living capabilities and recognizes diversity, this act establishes a program which is intended to encourage a wide array of quality, cost-effective and affordable long-term care choices. This program shall be known as client assessment, referral and evaluation (CARE). The purposes of CARE is for data collection and individual assessment and referral to community-based services and appropriate placement in long-term care facilities.

(b) As used in this section:

(1) "Assessment services" means evaluation of an individual's health and functional status to determine the need for long-term care services and to identify appropriate service options which meet these needs utilizing the client assessment, referral and evaluation (CARE) form.

(2) "Health care data governing board" means the board abolished by K.S.A. 65-6803, and amendments thereto.

(3) "Medical care facility" shall have the meaning ascribed to such term under K.S.A. 65-425, and amendments thereto.

(4) "Nursing facility" shall have the meaning ascribed to such term under K.S.A. 39-923, and amendments thereto.

(5) "Secretary" means the secretary for aging and disability services.

(c) There is hereby established the client assessment, referral and evaluation (CARE) program. The CARE program shall be administered by the secretary for aging and disability services and shall be implemented on a phased-in basis in accordance with the provisions of this section.

(d) All rules and regulations adopted by the health care data governing board relating to client assessment, referral and evaluation (CARE) data entry form shall be deemed to be the rules and regulations of the Kansas department of health and environment until revised, revoked or nullified pursuant to law. The purpose of this form is for data collection and referral services. Such form shall be concise and questions shall be limited to those necessary to carry out the stated purposes. The client assessment, referral and evaluation (CARE) data entry form shall include, but not be limited to, the preadmission screening and annual resident review (PASARR) questions. ~~Prior to the adoption of the client assessment, referral and evaluation (CARE) data entry form by the health care data governing board,~~ The secretary for aging and disability services shall approve the client assessment, referral and evaluation (CARE) data entry form. The client assessment, referral and evaluation (CARE) data entry form shall be

used by all persons providing assessment services.

(e) (1) Each individual prior to admission to a nursing facility as a resident of the facility shall receive assessment services to be provided by the secretary for aging and disability services, with the assistance of area agencies on aging, except: (A) Such assessment services shall be provided by a medical care facility to a patient of the medical care facility who is considering becoming a resident of a nursing facility upon discharge from the medical care facility; and (B) as authorized by rules and regulations adopted by the secretary for aging and disability services pursuant to subsection (i).

(2) The provisions of this subsection ~~(e)~~ shall not apply to any individual exempted from preadmission screening and annual resident review under ~~42 code of federal regulations~~ C.F.R. 483.106.

(f) The secretary for aging and disability services shall cooperate with the area agencies on aging providing assessment services under this section.

(g) The secretary for aging and disability services shall assure that each area agency on aging shall compile comprehensive resource information for use by individuals and agencies related to long-term care resources including all area offices of the Kansas department for children and families and local health departments. This information shall include, but not be limited to, resources available to assist persons to choose alternatives to institutional care.

(h) Nursing facilities and medical care facilities shall make available information referenced in subsection (g) to each person seeking admission or upon discharge as appropriate. Any person licensed to practice the healing arts as defined in K.S.A. 65-2802, and amendments thereto, shall make the same resource information available to any person identified as seeking or needing long-term care. Each senior center and each area agency on aging shall make available such information.

(i) The secretary shall adopt rules and regulations to govern such matters as the secretary deems necessary for the administration of this act.

(j) (1) There is hereby established an eleven-member voluntary oversight council which shall meet monthly for the purpose of assisting the secretary for aging and disability services in restructuring the assessment and referral program in a manner consistent with this act and shall meet quarterly thereafter for the purpose of monitoring and advising the secretary regarding the CARE program. The council shall be advisory only, except that the secretary for aging and disability services shall file with the council each six months the secretary's response to council comments or recommendations.

(2) The secretary for aging and disability services shall appoint two representatives of hospitals, two representatives of nursing facilities, two consumers and two representatives of providers of home and community-based services. The secretary of health and environment and the secretary for children and families, or their designees, shall be members of the council in addition to the eight appointed members. The secretary for aging and disability services shall serve as chairperson of the council. The appointive members of the council shall serve at the pleasure of their appointing authority. Members of the voluntary oversight council shall not be paid compensation, subsistence allowances, mileage or other expenses as otherwise may be authorized by law for attending meetings, or subcommittee meetings, of the council.

(k) The secretary for aging and disability services shall report to the governor and to the legislature on or before December 31, 1995, and each year thereafter on or before such date, an analysis of the information collected under this section. In addition, the

secretary for aging and disability services shall provide data from the CARE data forms to the Kansas department of health and environment. Such data shall be provided in such a manner so as not to identify individuals.

Sec. 20. K.S.A. 39-1807 and 75-3307c and K.S.A. 2015 Supp. 39-968 and 75-3307b are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 15 and inserting "concerning the Kansas department for aging and disability services; relating to powers, duties and functions; licensure of facilities; standards of treatment of certain individuals; prohibiting the privatization of state psychiatric hospitals; client assessment, referral and evaluation program; amending K.S.A. 2015 Supp. 39-968 and repealing the existing section; also repealing K.S.A. 39-1807 and 79-3307c and K.S.A. 2015 Supp. 75-3307b.";

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

DANIEL HAWKINS

WILLIE DOVE

JIM WARD

*Conferees on part of House*

MICHAEL O'DONNELL

ELAINE BOWERS

LAURA KELLY

*Conferees on part of Senate*

Senator O'Donnell moved the Senate adopt the Conference Committee Report on **SB 449**.

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

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Abrams.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 11;

On page 12, by striking all in lines 1 through 31 and inserting:

"Section 1. K.S.A. 2015 Supp. 76-12b01 is hereby amended to read as follows: 76-12b01. When used in this act:

(a) "Adaptive behavior" means the effectiveness or degree with which an individual

meets the standards of personal independence and social responsibility expected of that person's age, cultural group and community.

(b) "Care" means supportive services, including, but not limited to, provision of room and board, supervision, protection, assistance in bathing, dressing, grooming, eating and other activities of daily living.

(c) "Institution" means a state institution for people with intellectual disability including the following institutions: Kansas neurological institute and Parsons state hospital.

(d) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior ~~and manifested during the period from birth to age 18.~~

(e) "Respite care" means temporary, short-term care not exceeding 90 days per calendar year to provide relief from the daily pressures involved in caring for a person with intellectual disability.

(f) "Restraint" means the use of a totally enclosed crib or any material to restrict or inhibit the free movement of one or more limbs of a person except medical devices which limit movement for examination, treatment or to insure the healing process.

(g) "Seclusion" means being placed alone in a locked room where the individual's freedom to leave is thereby restricted and where such placement is not under continuous observation.

(h) "Secretary" means the secretary for aging and disability services or the designee of the secretary.

(i) "Significantly subaverage general intellectual functioning" ~~means~~ may be established by performance which is two or more standard deviations from the mean score on a standardized intelligence test specified by the secretary. Such standardized intelligence test shall take into account the standard error of measurement, and subaverage general intellectual functioning may be established by means in addition to standardized intellectual testing. The amendments made to this subsection by this act shall be construed and applied retroactively.

(j) "Superintendent" means the chief administrative officer of the institution or the designee of the chief administrative officer.

(k) "Training" means the provision of specific environmental, physical, mental, social and educational interventions and therapies for the purpose of halting, controlling or reversing processes that cause, aggravate or complicate malfunctions or dysfunctions of development.

Sec. 2. K.S.A. 2015 Supp. 76-12b01 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "intellectual disability; relating to the definition of significantly subaverage general intellectual functioning; amending K.S.A. 2015 Supp. 76-12b01 and repealing the existing section";

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

GREG SMITH  
FORREST KNOX  
PAT PETTEY

*Conferees on part of Senate*

RAMON GONZALEZ

JAN PAULS

DENNIS HIGHBERGER

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **S Sub HB 2049**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2059** 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 line 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 11 and inserting:

"New Section 1. On and after January 1, 2017, the bison herd at mined land wildlife area in Crawford county, Kansas, is hereby named the "Bob Grant bison herd."

New Sec. 2. (a) Sections 2 and 3, and amendments thereto, shall be known and may be cited as the alternative crop research act.

(b) As used in the alternative crop research act:

(1) "Certified seed" means industrial hemp seed that has been certified as having no more tetrahydrocannabinol concentration than that adopted by federal law in the controlled substances act, 21 U.S.C. § 801 et seq., or section 7606 of the federal agricultural act of 2014.

(2) "Department" means the Kansas department of agriculture.

(3) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed metal and seed oil for consumption and certified seed for cultivation if the seeds originate from industrial hemp varieties.

(4) "Industrial hemp" means all parts and varieties of the plant cannabis sativa, cultivated or possessed by a state educational institution or the department, whether growing or not, that contain a tetrahydrocannabinol concentration of no more than that adopted by federal law in the controlled substances act, 21 U.S.C. § 801 et seq., or section 7606 of the federal agricultural act of 2014.

(5) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

(6) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university

and Fort Hays state university.

(7) "Tetrahydrocannabinol" or "THC" means the natural or synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or any synthetic substances, compounds, salts or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

New Sec. 3. (a) The department, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from certified seed and promote the research and development of industrial hemp. This research may include:

(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

(2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;

(3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;

(4) analysis on the estimated value-added benefits, including environment benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;

(5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization; and

(6) a study on the feasibility of attracting federal and private funding for industrial hemp research.

(b) The secretary of agriculture shall have the authority to promulgate rules and regulations to carry out the provisions of the alternative crop research act.

(c) Nothing in the alternative crop research act shall be construed to authorize any person to violate any federal law.

Sec. 4. K.S.A. 2015 Supp. 21-5702 is hereby amended to read as follows: 21-5702.

(a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.

(b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, the alternative crop research act or otherwise authorized by law.

Sec. 5. K.S.A. 2015 Supp. 32-1301 is hereby amended to read as follows: 32-1301. As used in this act:

(a) "Person" means any individual, firm, partnership, corporation, association, municipality or other business entity.

(b) "Wildlife sanctuary" means a not-for-profit organization exempt from federal income taxation pursuant to section 501 (c)(3) of the internal revenue code of 1986, as in effect on July 1, 2006, that:

(1) Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced dangerous regulated animals are provided care for such animal's lifetime;

(2) does not conduct any commercial activity with respect to any dangerous regulated animal possessed by the organization;

(3) does not sell, trade, auction, lease or loan dangerous regulated animals, or parts thereof, which the organization possesses;

(4) does not breed any dangerous regulated animal of which the organization possesses, except as an integral part of the species survival plan of the American zoo and aquarium association;

(5) does not conduct any activity that is not inherent to the dangerous regulated animal's nature;

(6) does not use the dangerous regulated animal for any type of entertainment purposes; and

(7) operates a refuge in compliance with regulations promulgated by the United States department of agriculture for dangerous regulated animals, except non-native, venomous snakes, under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006, and the regulations and standards adopted under such act in effect on July 1, 2006, relating to operations, animal health and husbandry. All dangerous regulated animals shall be caged in compliance with the provisions set forth in K.S.A. 2015 Supp. 32-1306, and amendments thereto.

(c) "Possess" means to own, care for, have custody of or control.

(d) "Dangerous regulated animal" means a live or slaughtered parts of:

(1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or any hybrid thereof;

(2) bears or any hybrid thereof; and

(3) all ~~non-native~~, venomous snakes.

(e) "Local animal control authority" means an agency of the county or city that is responsible for animal control operations in such governmental entity's jurisdiction and includes the animal control officer, as defined by K.S.A. 47-1701, and amendments thereto, of such county or city. If the county or city does not have an animal control officer, for cities of the first class, the chief law enforcement officer shall have the local animal control authority duties and responsibilities pursuant to this act and for all other cities and counties, the county sheriff shall have the local animal control authority duties and responsibilities pursuant to this act.

(f) "Registered designated handler" means a person who is registered or would be required to be registered pursuant to K.S.A. 2015 Supp. 32-1310, and amendments thereto.

(g) "Full contact" means a situation in which an exhibitor or handler maintains control and supervision of an animal while temporarily surrendering physical possession or custody of such animal to another person.

(h) "Incidental contact" means a situation in which an exhibitor or handler maintains control, possession and supervision of an animal while permitting the public to come into contact with it.

(i) "Control" means keeping an animal in a harness and connected to a leash.

Sec. 6. K.S.A. 2015 Supp. 32-1306 is hereby amended to read as follows: 32-1306. (a) Except as provided in subsection (e), all dangerous regulated animals shall be confined within a cage of sufficient strength and design for the purposes of maintaining and housing or transporting the animal. The requirements for sufficient caging shall be established by rules and regulations adopted by the secretary of wildlife, parks and tourism. Any cage or confinement structure shall be constructed in such a manner that prohibits physical contact with any person other than such persons listed in subsection

(d).

~~(b) No dangerous regulated animal shall be allowed to be~~ Dangerous regulated animals removed from confinement shall not be allowed to run at large or be tethered, leashed or chained outdoors, or allowed to run at large.

(c) A dangerous regulated animal shall not be mistreated, neglected, abandoned or deprived of necessary food, water and sustenance.

(d) A dangerous regulated animal shall ~~not~~ be allowed to come into physical contact with ~~any person other than~~ the person possessing the animal, the registered designated handler or a veterinarian administering medical examination, treatment or care.

~~(e) (1) A dangerous regulated animal shall not be brought to any public property or commercial or retail establishment, except to bring the animal to a licensed veterinarian or veterinarian clinic, not including bears or any hybrid thereof and venomous snakes, shall be permitted to come into full contact with members of the public if such animal weighs 10 pounds or less.~~

(2) A dangerous regulated animal, not including bears or any hybrid thereof and venomous snakes, shall be permitted incidental physical contact with members of the public if such animal weighs 25 pounds or less.

(3) A dangerous regulated animal may only be used for contact with the public if the exhibitor:

(A) Evaluates such animal and ensures compatibility with the intended uses of such animal;

(B) takes reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of members of the public or wildlife; and

(C) exhibits such animal in a manner that prevents injuries to members of the public or wildlife.

(4) Handling intervals or physical contact, full or incidental, by members of the public with dangerous regulated animals shall be limited in frequency, intensity and duration to protect the health, welfare and safety of the animals and to prevent injury to members of the public.

(5) Before a member of the public handles or otherwise comes into physical contact with a dangerous regulated animal weighing between 10 and 25 pounds, not including bears or any hybrid thereof and venomous snakes, such member of the public shall read and sign a statement that shall contain substantially the following:

"The handling or petting of a dangerous regulated animal is inherently dangerous and may result in scratches, bites or other injuries."

Sec. 7. K.S.A. 2015 Supp. 32-1308 is hereby amended to read as follows: 32-1308. Exemptions to the provisions set forth in this act are as follows:

(a) Institutions accredited by the ~~American zoo and aquarium~~ association of zoos and aquariums or the zoological association of America shall be exempt from K.S.A. 2015 Supp. 32-1302 ~~and~~, 32-1303 ~~and~~ 32-1310, and amendments thereto.

(b) A wildlife sanctuary registered with the local animal control authority shall be exempt from K.S.A. 2015 Supp. 32-1302, and amendments thereto.

(c) The Kansas department of wildlife, parks and tourism, or a person issued a permit by the secretary pursuant to K.S.A. 32-952, and amendments thereto, shall be exempt from this act.

(d) A licensed or accredited research or medical institution shall be exempt from K.S.A. 2015 Supp. 32-1302 and 32-1303, and amendments thereto.

(e) A United States department of agriculture licensed exhibitor of dangerous regulated animals while transporting or as part of a circus, carnival, rodeo or fair shall be exempt from this act.

Sec. 8. K.S.A. 2015 Supp. 21-5702, 32-1301, 32-1306 and 32-1308 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "natural resources; relating to wildlife; mined land wildlife area; dangerous regulated animals; enacting the alternative crop research act; amending K.S.A. 2015 Supp. 21-5702, 32-1301, 32-1306 and 32-1308 and repealing the existing sections";

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

LARRY POWELL

DAN KERSCHEN

*Conferees on part of Senate*

SHARON SCHWARTZ

SUE BOLDRA

*Conferees on part of House*

Senator Powell moved the Senate adopt the Conference Committee Report on **S Sub HB 2059**.

Senator Hensley offered a substitute motion to not adopt the conference committee report on **S Sub HB 2059** and appoint new conferees. The motion prevailed.

The President appointed Senators Powell, Kerschen and Francisco as third conferees on the part of the Senate.

### POINT OF ORDER

Senate Rule 70 makes clear that parliamentary law in the Senate is based on *Robert's Rules of Order Newly Revised, 11<sup>th</sup> Edition*. On page 392, it states, "...Under no circumstances can he attack or question the motives of another member."

However, as **CCR S Sub HB 2059** was being debated, Minority Leader Anthony Hensley purposefully impugned the motives of Senator Jacob LaTurner. This exposes Minority Leader Hensley to Senate Rule 77 that allows for a censure or expulsion process for misconduct. However, to work in good faith, we are simply entering into the official record the point of order made on the floor.

Impugning the motives of a member of the Senate hampers civil debate, as it can easily degenerate into a spiral of accusations and counter accusations. Speculations about motives may be completely incorrect, and it does nothing to clarify issues in a debate or help to determine the actual merits of a point of view. It undermines the credibility of the Senator making the accusation and it is not conducive to the respect, honor, and decorum the Kansas Senate deserves. —STEVE ABRAMS, TOM ARPKE, MOLLY BAUMGARDNER, ELAINE BOWERS, TERRY BRUCE, JIM DENNING, LES DONOVAN, STEVE FITZGERALD, MITCH HOLMES, DAN KERSCHEN, JEFF KING, FORREST KNOX, GARRETT LOVE, JULIA LYNN, TY MASTERSON, JEFF MELCHER, MICHAEL O'DONNELL, ROB OLSON, MARY PILCHER-COOK, LARRY POWELL, DENNIS PYLE, GREG SMITH, CARYN TYSON, SUSAN WAGLE, RICK WILBORN, KAY WOLF.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2502** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2 and inserting:

"New Section 1. (a) No school district shall adopt a policy that prohibits an organization from conducting activities on school property solely because such activities include the possession and use of air guns by the participants. Any policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto, shall not prohibit the possession of an air gun by a pupil on school property if such pupil is a participant in the activities of an organization.

(b) A policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto, may prohibit the possession of air guns by pupils at school, on school property or at a school supervised activity, except when a pupil is participating in activities conducted by an organization, or is in transit to or from such activities.

(c) Any individual desiring to participate in activities conducted by an organization may be required to sign, or have a parent or legal guardian sign, a liability waiver. The liability waiver shall be in such form as prescribed by the chief administrative officer of the school and shall contain the appropriate language so as to relieve the school district, the school and all school personnel from liability for any claims arising out of the acts or omissions of any individual or any school personnel relating to activities conducted by an organization.

(d) The provisions of this section shall be a part of and supplemental to K.S.A. 72-89a01 et seq., and amendments thereto.

Sec. 2. K.S.A. 72-89a01 is hereby amended to read as follows: 72-89a01. As used in this act:

(a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) "School" means a public school or an accredited nonpublic school.

(c) "Public school" means a school operated by a unified school district organized under the laws of this state.

(d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.

(e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) "Federal law" means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.

(g) "Secretary of education" means the secretary of the United States department of education.

(h) (1) "Weapon" means ~~(1)~~ (A) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; ~~(2)~~ (B) the

frame or receiver of any weapon described in the preceding example; ~~(3)~~ (C) any firearm muffler or firearm silencer; ~~(4)~~ (D) any explosive, incendiary, or poison gas ~~(A)~~; (i) Bomb, ~~(B)~~; (ii) grenade, ~~(C)~~; (iii) rocket having a propellant charge of more than four ounces, ~~(D)~~; (iv) missile having an explosive or incendiary charge of more than  $\frac{1}{4}$  ounce, ~~(E)~~; (v) mine; or ~~(F)~~ (vi) similar device; ~~(5)~~ (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than  $\frac{1}{2}$  inch in diameter; ~~(6)~~ (F) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; ~~(7)~~ (G) any bludgeon, sandclub, metal knuckles or throwing star; ~~(8)~~ (H) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; ~~(9)~~ or (I) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

(2) The term "weapon" does not include within its meaning ~~(1)~~; (A) An antique firearm; ~~(2)~~ (B) an air gun; (C) any device which is neither designed nor redesigned for use as a weapon; ~~(3)~~ (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety; or similar device; ~~(4)~~ (E) surplus ordinance sold, loaned; or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685; or 4686 of title 10 of the United States Code; ~~(5)~~ or (F) class C common fireworks.

(i) "Air gun" means any device which will or is designed to or may be readily converted to, expel a projectile by the release of compressed air or gas, and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.

(j) "Organization" means any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 18 in activities designed to promote and encourage self-confidence, teamwork and a sense of community.

Sec. 3. K.S.A. 2015 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04.  
(a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2015 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2015 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

(3) is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of

instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of ~~the~~ a course that satisfies the requirements of subsection (b)(1), in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; ~~or~~

(C) evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training requirements that are equal to or greater than those required by this act; or

~~(D)~~ a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2015 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.

Sec. 4. K.S.A. 2015 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's

license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 2015 Supp. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2015 Supp. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) a nonrefundable license fee of \$132.50, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable to the sheriff of the county where the applicant resides and \$100 payable to the attorney general;

(3) if applicable, a photocopy of the proof of training required by K.S.A. 2015 Supp. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff. Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 2015 Supp. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the state or national criminal history record check to determine the applicant's eligibility for such license.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) Issue the license and certify the issuance to the department of revenue; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 2015 Supp. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) Each person issued a license shall pay to the department of revenue a fee for the cost of the license which shall be in amounts equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license.

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2015 Supp. 21-5111, and amendments thereto, shall be: (A) Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general; (B) exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; (C) required to pay the license renewal fee; (D) required to pay to the department of revenue the fees required by subsection (f); and (E) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

(h) A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay an original license fee as provided in subsection (b)(2); (2) exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; (3) required to pay the license renewal

fee; (4) required to pay to the department of revenue the fees required by subsection (f); and (5) required to comply with the criminal history records check requirement of this section.

(i) A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general.

Sec. 5. K.S.A. 2015 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2015 Supp. 75-7c20, and amendments thereto:

(a) The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent:

~~(1) any public or private employer from restricting or prohibiting by personnel policies persons from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or~~

~~(2) any private business or city, county or political subdivision from restricting or prohibiting persons from carrying a concealed handgun within a building or buildings of such entity, provided that the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (i), as a building where carrying a concealed handgun is prohibited.~~

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is legally qualified, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

(1) A unified school district;

(2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and

amendments thereto;

(3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or

(6) an indigent health care clinic, as defined by K.S.A. 2015 Supp. 65-7402, and amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance.

~~(f)~~ (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection ~~(i)~~ (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

~~(f)~~ (g) ~~On and after July 1, 2014,~~ The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

~~(g)~~ (h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2015 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

~~(h)~~ (i) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

~~(i)~~ (j) The attorney general shall adopt rules and regulations prescribing the

location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

- (1) The signs be posted at all exterior entrances to the prohibited buildings;
- (2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- (3) the signs not be obstructed or altered in any way; and
- (4) signs which become illegible for any reason be immediately replaced.

Sec. 6. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20.

(a) The carrying of a concealed handgun shall not be prohibited in any public area of any state or municipal building unless such ~~building public area~~ public area has adequate security measures to ensure that no weapons are permitted to be carried into such ~~building public area~~ public area and the ~~building public area~~ public area is conspicuously posted with either permanent or temporary signage approved by the governing body, or the chief administrative officer, if no governing body exists, in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

(b) The carrying of a concealed handgun shall not be prohibited throughout any state or municipal building ~~which contains both public access entrances and restricted access entrances shall provide adequate security measures at the public access entrances in order to prohibit the carrying of any weapons into such building in its entirety unless such building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.~~

(c) No state agency or municipality shall prohibit an employee from carrying a concealed handgun at the employee's work place unless the building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

(d) (1) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building, or any public area thereof, so long as that person has authority to enter through a restricted access entrance into such building, or public area thereof, which provides adequate security measures at all public access entrances and the building, or public area thereof, is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

(2) Any person, who is not an employee of the state or a municipality and is not otherwise authorized to enter a state or municipal building through a restricted access entrance, shall be authorized to enter through a restricted access entrance, provided such person:

(A) Is authorized by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, to enter such state or municipal building through a restricted access entrance;

(B) is issued an identification card by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, which includes such person's photograph, name and any other identifying information deemed necessary by the issuing entity, and which states on the identification card that such

person is authorized to enter such building through a restricted access entrance; and

(C) executes an affidavit or other notarized statement that such person acknowledges that certain firearms and weapons may be prohibited in such building and that violating any such regulations may result in the revocation of such person's authority to enter such building through a restricted access entrance.

The chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, shall develop criteria for approval of individuals subject to this paragraph to enter the state or municipal building through a restricted access entrance. Such criteria may include the requirement that the individual submit to a state and national criminal history records check before issuance and renewal of such authorization and pay a fee to cover the costs of such background checks. An individual who has been issued a concealed carry permit by the state of Kansas shall not be required to submit to another state and national criminal records check before issuance and renewal of such authorization. Notwithstanding any authorization granted under this paragraph, an individual may be subjected to additional security screening measures upon reasonable suspicion or in circumstances where heightened security measures are warranted. Such authorization does not permit the individual to carry a concealed weapon into a public building, which has adequate security measures, as defined by this act, and which is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality which provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality which does not provide adequate security measures in a state or municipal building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection ~~(b)~~ (a).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided ~~that other means of security are employed such as armed law enforcement or armed security officers~~ the public area has adequate security measures to ensure that no weapons are permitted to be carried into such public area and the public area is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

(i) ~~The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building, or any public area thereof, from this section until January 1, 2014, by notifying the Kansas attorney general and the law enforcement agency of the local jurisdiction by letter of such~~

~~exemption. Thereafter, such governing body or chief administrative officer may exempt a state or municipal building for a period of only four years until July 1, 2017, by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.~~

(j) ~~The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution, or any public area thereof, from this section for a period of only four years until July 1, 2017, by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general:~~

(1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2015 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.

(l) Nothing in this section shall be construed to prohibit any law enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a concealed handgun into any state or municipal building, or any public area thereof, in accordance with the provisions of K.S.A. 2015 Supp. 75-7c22, and amendments thereto, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(m) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, or any public area thereof, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) "Authorized personnel" means employees of a state agency or municipality and

any person granted authorization pursuant to subsection (d)(2), who are authorized to enter a state or municipal building through a restricted access entrance.

~~(2)~~(3) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

~~(3)~~(4) "Public area" means any portion of a state or municipal building that is open to and accessible by the public or which is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such building.

(5) "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

~~(4)~~(6) "State" means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

~~(5)~~(7) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) ~~On and after July 1, 2014,~~ The term "state and municipal building" shall not include the state capitol.

~~(6)~~(8) "Weapon" means a weapon described in K.S.A. 2015 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

(n) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 7. K.S.A. 72-89a01 and K.S.A. 2015 Supp. 75-7c04, 75-7c05, 75-7c10 and 75-7c20 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, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "firearms; relating to the possession thereof; relating to the personal and family protection act; relating to weapons in schools; amending K.S.A. 72-89a01 and K.S.A. 2015 Supp. 75-7c04, 75-7c05, 75-7c10 and 75-7c20 and repealing the existing sections";

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

RALPH OSTMEYER

JACOB LATURNER

*Conferees on part of Senate*

JAN PAULS

JAMES ERIC TODD

*Conferees on part of House*

Upon request, the subcommittee on Rules met and determined the content of the conference committee report on **HB 2502** complied with the subject matter requirements of the joint rules.

Senator Knox moved the Senate adopt the Conference Committee Report on **HB 2502**.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Hawk, Pettey, V. Schmidt, Wolf.

Present and Passing: Holland.

Absent or Not Voting: Abrams.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2632** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 33 and inserting:

"Section 1. K.S.A. 2015 Supp. 12-1770a is hereby amended to read as follows: 12-1770a. As used in this act, ~~and amendments thereto~~, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the content:

(a) "Auto race track facility" means: (1) An auto race track facility and facilities directly related and necessary to the operation of an auto race track facility, including, but not limited to, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding (2) hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(b) "Base year assessed valuation" means the assessed valuation of all real property within the boundaries of a redevelopment district on the date the redevelopment district was established.

(c) "Blighted area" means an area which:

(1) Because of the presence of a majority of the following factors, substantially impairs or arrests the development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:

(A) A substantial number of deteriorated or deteriorating structures;

(B) predominance of defective or inadequate street layout;

(C) unsanitary or unsafe conditions;

(D) deterioration of site improvements;

(E) tax or special assessment delinquency exceeding the fair market value of the real property;

(F) defective or unusual conditions of title including, but not limited to, cloudy or defective titles, multiple or unknown ownership interests to the property;

(G) improper subdivision or obsolete platting or land uses;

(H) the existence of conditions which endanger life or property by fire or other

causes; or

(1) conditions which create economic obsolescence;~~or~~  
 (2) has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation; feasibility study and remediation or other similar state or federal action;~~or~~

(3) a majority of the property is a 100-year floodplain area; or

(4) previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.

(d) "Conservation area" means any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

(1) Dilapidation, obsolescence or deterioration of the structures;

(2) illegal use of individual structures;

(3) the presence of structures below minimum code standards;

(4) building abandonment;

(5) excessive vacancies;

(6) overcrowding of structures and community facilities; or

(7) inadequate utilities and infrastructure.

(e) "De minimus" means an amount less than 15% of the land area within a redevelopment district.

(f) "Developer" means any person, firm, corporation, partnership or limited liability company, other than a city and other than an agency, political subdivision or instrumentality of the state or a county when relating to a bioscience development district.

(g) "Eligible area" means a blighted area, conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area~~or~~, bioscience development area or a building or buildings which are 65 years of age or older and any contiguous vacant or condemned lots.

(h) "Enterprise zone" means an area within a city that was designated as an enterprise zone prior to July 1, 1992, pursuant to K.S.A. 12-17,107 through 12-17,113, and amendments thereto, prior to its repeal and the conservation, development or redevelopment of the area is necessary to promote the general and economic welfare of such city.

(i) "Environmental increment" means the increment determined pursuant to K.S.A. 12-1771a(b), and amendments thereto.

(j) "Environmentally contaminated area" means an area of land having contaminated groundwater or soil which is deemed environmentally contaminated by the department of health and environment or the United States environmental protection agency.

(k) (1) "Feasibility study" means:

(A) A study which shows whether a redevelopment project's or bioscience development project's benefits and tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1), and amendments thereto, are expected to exceed or be sufficient to pay for the redevelopment or bioscience development project costs; and

(B) the effect, if any, the redevelopment project costs or bioscience development

project will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

(2) For a redevelopment project or bioscience project financed by bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto, the feasibility study must also include:

(A) A statement of how the taxes obtained from the project will contribute significantly to the economic development of the jurisdiction in which the project is located;

(B) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the redevelopment project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:

(i) The percentage of sales and use taxes collected that are so committed; and  
 (ii) the date or dates on which the local sales and use taxes pledged to other uses can be pledged for repayment of special obligation bonds;

(C) an anticipated principal and interest payment schedule on the bonds;

(D) following approval of the redevelopment plan, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meeting or meetings of any city whose bonding authority will be utilized in the project, evidencing that a redevelopment plan has been created, discussed, and adopted by the city in a regularly scheduled open public meeting; and

(E) the failure to include all information enumerated in this subsection in the feasibility study for a redevelopment or bioscience project shall not affect the validity of bonds issued pursuant to this act.

(l) "Major tourism area" means an area for which the secretary has made a finding the capital improvements costing not less than \$100,000,000 will be built in the state to construct an auto race track facility.

(m) "Real property taxes" means all taxes levied on an ad valorem basis upon land and improvements thereon, except that when relating to a bioscience development district, as defined in this section, "real property taxes" does not include property taxes levied for schools, pursuant to K.S.A. 2015 Supp. 72-6470, and amendments thereto.

(n) "Redevelopment project area" means an area designated by a city within a redevelopment district or, if the redevelopment district is established for an intermodal transportation area, an area designated by a city within or outside of the redevelopment district.

(o) "Redevelopment project costs" means: (1) Those costs necessary to implement a redevelopment project plan or a bioscience development project plan, including costs incurred for:

- (A) Acquisition of property within the redevelopment project area;
- (B) payment of relocation assistance pursuant to a relocation assistance plan as provided in K.S.A. 12-1777, and amendments thereto;
- (C) site preparation including utility relocations;
- (D) sanitary and storm sewers and lift stations;
- (E) drainage conduits, channels, levees and river walk canal facilities;
- (F) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- (G) street light fixtures, connection and facilities;

(H) underground gas, water, heating and electrical services and connections located within the public right-of-way;

(I) sidewalks and pedestrian underpasses or overpasses;

(J) drives and driveway approaches located within the public right-of-way;

(K) water mains and extensions;

(L) plazas and arcades;

(M) major multi-sport athletic complex;

(N) museum facility;

(O) parking facilities including multilevel parking facilities;

(P) landscaping and plantings, fountains, shelters, benches, sculptures, lighting, decorations and similar amenities;

(Q) related expenses to redevelop and finance the redevelopment project;

(R) for purposes of an incubator project, such costs shall also include wet lab equipment including hoods, lab tables, heavy water equipment and all such other equipment found to be necessary or appropriate for a commercial incubator wet lab facility by the city in its resolution establishing such redevelopment district or a bioscience development district;

(S) costs for the acquisition of land for and the construction and installation of publicly-owned infrastructure improvements which serve an intermodal transportation area and are located outside of a redevelopment district; and

(T) costs for infrastructure located outside the redevelopment district but contiguous to any portion of the redevelopment district and such infrastructure is necessary for the implementation of the redevelopment plan as determined by the city.

(2) Redevelopment project costs shall not include: (A) Costs incurred in connection with the construction of buildings or other structures to be owned by or leased to a developer, however, the "redevelopment project costs" shall include costs incurred in connection with the construction of buildings or other structures to be owned or leased to a developer which includes an auto race track facility or a multilevel parking facility.

(B) In addition, for a redevelopment project financed with special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto, redevelopment project costs shall not include:

(i) Fees and commissions paid to developers, real estate agents, financial advisors or any other consultants who represent the developers or any other businesses considering locating in or located in a redevelopment district;

(ii) salaries for local government employees;

(iii) moving expenses for employees of the businesses locating within the redevelopment district;

(iv) property taxes for businesses that locate in the redevelopment district;

(v) lobbying costs;

(vi) a bond origination fee charged by the city pursuant to K.S.A. 12-1742, and amendments thereto;

(vii) any personal property, as defined in K.S.A. 79-102, and amendments thereto; and

(viii) travel, entertainment and hospitality.

(p) "Redevelopment district" means the specific area declared to be an eligible area in which the city may develop one or more redevelopment projects.

(q) "Redevelopment district plan" or "district plan" means the preliminary plan that

identifies all of the proposed redevelopment project areas and identifies in a general manner all of the buildings, facilities and improvements in each that are proposed to be constructed or improved in each redevelopment project area or, if the redevelopment district is established for an intermodal transportation area, in or outside of the redevelopment district.

(r) "Redevelopment project" means the approved project to implement a project plan for the development of the established redevelopment district.

(s) "Redevelopment project plan" means the plan adopted by a municipality for the development of a redevelopment project or projects which conforms with K.S.A. 12-1772, and amendments thereto, in a redevelopment district.

(t) "Substantial change" means, as applicable, a change wherein the proposed plan or plans differ substantially from the intended purpose for which the district plan or project plan was approved.

(u) "Tax increment" means that amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.

(v) "Taxing subdivision" means the county, city, unified school district and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created redevelopment district including a bioscience development district.

(w) "River walk canal facilities" means a canal and related water features which flows through a redevelopment district and facilities related or contiguous thereto, including, but not limited to pedestrian walkways and promenades, landscaping and parking facilities.

(x) "Major commercial entertainment and tourism area" may include, but not be limited to, a major multi-sport athletic complex.

(y) "Major multi-sport athletic complex" means an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(z) "Bioscience" means the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary medicine, plant biology, agriculture, industrial environmental and homeland security applications of bioscience and future developments in the biosciences. Bioscience includes biotechnology and life sciences.

(aa) "Bioscience development area" means an area that:

(1) Is or shall be owned, operated, or leased by, or otherwise under the control of the Kansas bioscience authority;

(2) is or shall be used and maintained by a bioscience company; or

(3) includes a bioscience facility.

(bb) "Bioscience development district" means the specific area, created under K.S.A. 12-1771, and amendments thereto, where one or more bioscience development

projects may be undertaken.

(cc) "Bioscience development project" means an approved project to implement a project plan in a bioscience development district.

(dd) "Bioscience development project plan" means the plan adopted by the authority for a bioscience development project pursuant to K.S.A. 12-1772, and amendments thereto, in a bioscience development district.

(ee) "Bioscience facility" means real property and all improvements thereof used to conduct bioscience research, including, without limitation, laboratory space, incubator space, office space and any and all facilities directly related and necessary to the operation of a bioscience facility.

(ff) "Bioscience project area" means an area designated by the authority within a bioscience development district.

(gg) "Biotechnology" means those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiomics, nanotechnology, biodefense, biocomputing, bioinformatics and future developments associated with biotechnology.

(hh) "Board" means the board of directors of the Kansas bioscience authority.

(ii) "Life sciences" means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.

(jj) "Revenue increase" means that amount of real property taxes collected from real property located within the bioscience development district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.

(kk) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto.

(ll) "Floodplain increment" means the increment determined pursuant to K.S.A. 2015 Supp. 12-1771e(b), and amendments thereto.

(mm) "100-year floodplain area" means an area of land existing in a 100-year floodplain as determined by either an engineering study of a Kansas certified engineer or by the United States federal emergency management agency.

(nn) "Major motorsports complex" means a complex in Shawnee county that is utilized for the hosting of competitions involving motor vehicles, including, but not limited to, automobiles, motorcycles or other self-propelled vehicles other than a motorized bicycle or motorized wheelchair. Such project may include racetracks, all facilities directly related and necessary to the operation of a motorsports complex, including, but not limited to, parking lots, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility.

(oo) "Intermodal transportation area" means an area of not less than 800 acres to be developed primarily to handle the transfer, storage and distribution of freight through railway and trucking operations.

(pp) "Museum facility" means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and

restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.

Sec. 2. K.S.A. 2015 Supp. 12-17,162 is hereby amended to read as follows: 12-17,162. As used in ~~this the STAR bond financing act, and amendments thereto~~, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Auto race track facility" means: (1) An auto race track facility and facilities directly related and necessary to the operation of an auto race track facility, including, but not limited to, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding (2) hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(b) "Commence work" means the manifest commencement of actual operations on the development site, such as, erecting a building, excavating the ground to lay a foundation or a basement or work of like description which a person with reasonable diligence can see and recognize as being done with the intention and purpose to continue work until the project is completed.

(c) "De minimus" means an amount less than 15% of the land area within a STAR bond project district.

(d) "Developer" means any person, firm, corporation, partnership or limited liability company other than a city and other than an agency, political subdivision or instrumentality of the state.

(e) "Economic impact study" means a study to project the financial benefit of the project to the local, regional and state economies.

(f) "Eligible area" means a historic theater, major tourism area, major motorsports complex, auto race track facility, river walk canal facility, major multi-sport athletic complex, or a major commercial entertainment and tourism area as determined by the secretary.

(g) "Feasibility study" means a feasibility study as defined in ~~subsection (b) of~~ K.S.A. 2015 Supp. 12-17,166**(b)**, and amendments thereto.

(h) "Historic theater" means a building constructed prior to 1940 which was constructed for the purpose of staging entertainment, including motion pictures, vaudeville shows or operas, that is operated by a nonprofit corporation and is designated by the state historic preservation officer as eligible to be on the Kansas register of historic places or is a member of the Kansas historic theatre association.

(i) "Historic theater sales tax increment" means the amount of state and local sales tax revenue imposed pursuant to K.S.A. 12-187 et seq., 79-3601 et seq. and 79-3701 et seq., and amendments thereto, collected from taxpayers doing business within the historic theater that is in excess of the amount of such taxes collected prior to the designation of the building as a historic theater for purposes of this act.

(j) "Major commercial entertainment and tourism area" means an area that may include, but not be limited to, a major multi-sport athletic complex.

(k) "Major motorsports complex" means a complex in Shawnee county that is

utilized for the hosting of competitions involving motor vehicles, including, but not limited to, automobiles, motorcycles or other self-propelled vehicles other than a motorized bicycle or motorized wheelchair. Such project may include racetracks, all facilities directly related and necessary to the operation of a motorsports complex, including, but not limited to, parking lots, grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility.

(l) "Major tourism area" means an area for which the secretary has made a finding the capital improvements costing not less than \$100,000,000 will be built in the state to construct an auto race track facility.

(m) "Major multi-sport athletic complex" means an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.

(n) "Market study" means a study to determine the ability of the project to gain market share locally, regionally and nationally and the ability of the project to gain sufficient market share to:

- (1) Remain profitable past the term of repayment; and
- (2) maintain status as a significant factor for travel decisions.

(o) "Market impact study" means a study to measure the impact of the proposed project on similar businesses in the project's market area.

(p) "Museum facility" means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.

(q) "Project" means a STAR bond project.

(r) "Project costs" means those costs necessary to implement a STAR bond project plan, including costs incurred for:

- (1) Acquisition of real property within the STAR bond project area;
- (2) payment of relocation assistance pursuant to a relocation assistance plan as provided in K.S.A. 2015 Supp. 12-17,173, and amendments thereto;
- (3) site preparation including utility relocations;
- (4) sanitary and storm sewers and lift stations;
- (5) drainage conduits, channels, levees and river walk canal facilities;
- (6) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- (7) street light fixtures, connection and facilities;
- (8) underground gas, water, heating and electrical services and connections located within the public right-of-way;

- (9) sidewalks and pedestrian underpasses or overpasses;
- (10) drives and driveway approaches located within the public right-of-way;
- (11) water mains and extensions;
- (12) plazas and arcades;
- (13) parking facilities and multilevel parking structures devoted to parking only;
- (14) landscaping and plantings, fountains, shelters, benches, sculptures, lighting, decorations and similar amenities;
- (15) auto race track facility;
- (16) major multi-sport athletic complex;
- (17) museum facility;
- (18) major motorsports complex;
- (19) related expenses to redevelop and finance the project, except that for a STAR bond project financed with special obligation bonds payable from the revenues described in ~~subsection (a)(1)~~ of K.S.A. 2015 Supp. 12-17,169(a)(1), and amendments thereto, such expenses shall require prior approval by the secretary of commerce; and
- (20) except as specified in ~~subsections paragraphs~~ (1) through (19) above, project costs shall not include:
  - (A) Costs incurred in connection with the construction of buildings or other structures;
  - (B) fees and commissions paid to developers, real estate agents, financial advisors or any other consultants who represent the developers or any other businesses considering locating in or located in a STAR bond project district;
  - (C) salaries for local government employees;
  - (D) moving expenses for employees of the businesses locating within the STAR bond project district;
  - (E) property taxes for businesses that locate in the STAR bond project district;
  - (F) lobbying costs;
  - (G) any bond origination fee charged by the city or county;
  - (H) any personal property as defined in K.S.A. 79-102, and amendments thereto; and
  - (I) travel, entertainment and hospitality.
- (s) "Projected market area" means any area within the state in which the project is projected to have a substantial fiscal or market impact upon businesses in such area.
- (t) "River walk canal facilities" means a canal and related water features which flow through a major commercial entertainment and tourism area and facilities related or contiguous thereto, including, but not limited to, pedestrian walkways and promenades, landscaping and parking facilities.
- (u) "Sales tax and revenue" are those revenues available to finance the issuance of special obligation bonds as identified in K.S.A. 2015 Supp. 12-17,168, and amendments thereto.
- (v) "STAR bond" means a sales tax and revenue bond.
- (w) "STAR bond project" means an approved project to implement a project plan for the development of the established STAR bond project district with:
  - (1) At least a \$50,000,000 capital investment and \$50,000,000 in projected gross annual sales; or
  - (2) for areas outside of metropolitan statistical areas, as defined by the federal office of management and budget, the secretary finds:

(A) The project is an eligible area as defined in subsection (f), and amendments thereto; and

(B) would be of regional or statewide importance; or

(3) is a major tourism area as defined in subsection (l), and amendments thereto; or

(4) is a major motorsports complex, as defined in subsection (k), ~~and amendments thereto.~~

(x) "STAR bond project area" means the geographic area within the STAR bond project district in which there may be one or more projects.

(y) "STAR bond project district" means the specific area declared to be an eligible area as determined by the secretary in which the city or county may develop one or more STAR bond projects. A STAR bond project district includes a redevelopment district, as defined in K.S.A. 12-1770a, and amendments thereto, created prior to the effective date of this act for the Wichita Waterwalk project in Wichita, Kansas, provided, the city creating such redevelopment district submits an application for approval for STAR bond financing to the secretary on or before July 31, 2007, and receives a final letter of determination from the secretary approving or disapproving the request for STAR bond financing on or before November 1, 2007. No STAR bond project district shall include real property which has been part of another STAR bond project district unless such STAR bond project and STAR bond project district have been approved by the secretary of commerce pursuant to K.S.A. 2015 Supp. 12-17,164 and 12-17,165, and amendments thereto, prior to March 1, 2016. A STAR bond project district shall be limited to those areas being developed by the STAR bond project and any area of real property reasonably anticipated to directly benefit from the redevelopment project.

(z) "STAR bond project district plan" means the preliminary plan that identifies all of the proposed STAR bond project areas and identifies in a general manner all of the buildings, facilities and improvements in each that are proposed to be constructed or improved in each STAR bond project area.

(aa) "STAR bond project plan" means the plan adopted by a city or county for the development of a STAR bond project or projects in a STAR bond project district.

(bb) "Secretary" means the secretary of commerce.

(cc) "Substantial change" means, as applicable, a change wherein the proposed plan or plans differ substantially from the intended purpose for which the STAR bond project district plan was approved.

(dd) "Tax increment" means that portion of the revenue derived from state and local sales, use and transient guest tax imposed pursuant to K.S.A. 12-187 et seq., 12-1692 et seq., 79-3601 et seq. and 79-3701 et seq., and amendments thereto, collected from taxpayers doing business within that portion of a STAR bond project district occupied by a project that is in excess of the amount of base year revenue. For purposes of this subsection, the base year shall be the 12-month period immediately prior to the month in which the STAR bond project district is established. The department of revenue shall determine base year revenue by reference to the revenue collected during the base year from taxpayers doing business within the specific area in which a STAR bond project district is subsequently established. The base year of a STAR bond project district, following the addition of area to the STAR bond project district, shall be the base year for the original area, and with respect to the additional area, the base year shall be any 12-month period immediately prior to the month in which additional area is added to

the STAR bond project district. For purposes of this subsection, revenue collected from taxpayers doing business within a STAR bond project district, or within a specific area in which a STAR bond project district is subsequently established shall not include local sales and use tax revenue that is sourced to jurisdictions other than those in which the project is located. The secretary of revenue and the secretary of commerce shall certify the appropriate amount of base year revenue for taxpayers relocating from within the state into a STAR bond district.

(ee) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto.

Sec. 3. K.S.A. 2015 Supp. 12-17,169 is hereby amended to read as follows: 12-17,169. (a) (1) Any city or county shall have the power to issue special obligation bonds in one or more series to finance the undertaking of any STAR bond project in accordance with the provisions of this act. Such special obligation bonds shall be made payable, both as to principal and interest:

(A) From revenues of the city or county derived from or held in connection with the undertaking and carrying out of any STAR bond project or projects under this act including historic theater sales tax increments;

(B) from any private sources, contributions or other financial assistance from the state or federal government;

(C) from a pledge of 100% of the tax increment revenue received by the city from any local sales and use taxes, including the city's share of any county sales tax, which are collected from taxpayers doing business within that portion of the city's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, occupied by a STAR bond project, except for amounts committed to other uses by election of voters or pledged to bond repayment prior to the approval of the STAR bond project;

(D) at the option of the county in a city STAR bond project district, from a pledge of all of the tax increment revenues received by the county from any local sales and use taxes which are collected from taxpayers doing business within that portion of the city's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, except for amounts committed to other uses by election of voters or pledged to bond repayment prior to the approval of a STAR bond project;

(E) in a county STAR bond project district, from a pledge of 100% of the tax increment revenue received by the county from any county sales and use tax, but excluding any portions of such taxes that are allocated to the cities in such county pursuant to K.S.A. 12-192, and amendments thereto, which are collected from taxpayers doing business within that portion of the county's STAR bond project district established pursuant to K.S.A. 2015 Supp. 12-17,165, and amendments thereto, occupied by a STAR bond project;

(F) from a pledge of all or a portion of the tax increment revenue received from any state sales taxes which are collected from taxpayers doing business within that portion of the city's or county's STAR bond project district occupied by a STAR bond project, except that for any STAR bond project district established and approved by the secretary on or after January 1, 2017, such tax increment shall not include any sales tax revenue from retail automobile dealers;

(G) at the option of the city or county and with approval of the secretary, from all or a portion of the transient guest tax of such city or county;

(H) at the option of the city or county and with approval of the secretary, (i) from a pledge of all or a portion of increased revenue received by the city or county from franchise fees collected from utilities and other businesses using public right-of-way within the STAR bond project district; or (ii) from a pledge of all or a portion of the revenue received by a city or county from local sales taxes or local transient guest and local use taxes; or

(I) by any combination of these methods.

The city or county may pledge such revenue to the repayment of such special obligation bonds prior to, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(2) Bonds issued under ~~paragraph (1) of this subsection~~ (a)(1) shall not be general obligations of the city or the county, nor in any event shall they give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in ~~paragraph (1) of this subsection~~ (a)(1) and such bonds shall so state on their face.

(3) Bonds issued under the provisions of ~~paragraph (1) of this subsection~~ (a)(1) shall be special obligations of the city or county and are declared to be negotiable instruments. Such bonds shall be executed by the mayor and clerk of the city or the chairperson of the board of county commissioners and the county clerk and sealed with the corporate seal of the city or county. All details pertaining to the issuance of such special obligation bonds and terms and conditions thereof shall be determined by ordinance of the city or by resolution of the county.

All special obligation bonds issued pursuant to this act and all income or interest therefrom shall be exempt from all state taxes. Such special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such special obligation bonds shall, however, contain the following recitals: (i) The authority under which such special obligation bonds are issued; (ii) such bonds are in conformity with the provisions, restrictions and limitations thereof; and (iii) that such special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in ~~paragraph (1) of this subsection~~ (a)(1).

(4) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) (1) Subject to the provisions of ~~paragraph (2) of this subsection~~ (b)(2), any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking, establishment or redevelopment of any major motorsports complex, as defined in ~~subsection (k) of K.S.A. 2015 Supp. 12-17,162(k)~~, and amendments thereto. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in ~~paragraph (1) of subsection (a)(1)~~ or by any combination of these sources; and (B) subject to the provisions of ~~paragraph (2) of this subsection~~ (b)(2), from a pledge of the city's full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in ~~paragraph (3) of this subsection~~ (b)(3), before the governing body of any city proposes to issue full faith and credit tax increment bonds as

authorized by this subsection, the feasibility study required by ~~subsection (b)~~ of K.S.A. 2015 Supp. 12-17,166~~(b)~~, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by ~~subsection (e)~~ of K.S.A. 2015 Supp. 12-17,166~~(e)~~, and amendments thereto, that it may issue such bonds to finance the proposed STAR bond project. The governing body may issue the bonds unless within 60 days following the conclusion of the public hearing on the proposed STAR bond project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section. No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in K.S.A. 2015 Supp. 12-17,165, and amendments thereto, that the proposed STAR bond project district will have an adverse effect on the county or school district.

(3) As an alternative to ~~paragraph (2) of this subsection (b)(2)~~, any city which adopts a STAR bond project plan for a major motorsports complex, but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by ~~subsection (e)~~ of K.S.A. 2015 Supp. 12-17,166~~(e)~~, and amendments thereto, and has not acquired property in the STAR bond project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to ~~paragraph (1) of subsection (a)(1)~~. Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any major motorsports complex project in which the project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the project costs for the major motorsports complex project. Such temporary notes shall not be issued and the city shall not acquire property in the STAR bond project area until the requirements of ~~paragraph (2) or (3) of this subsection (b)(2) or (b)(3)~~, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. Such bonds shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes. The amount of the full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such

city.

(6) Any city issuing full faith and credit tax increment bonds under the provisions of this subsection may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(c) (1) For each project financed with special obligation bonds payable from the revenues described in subsection (a)(1), the city or county shall prepare and submit to the secretary by October 1 of each year, a report describing the status of any projects within such STAR bond project area, any expenditures of the proceeds of special obligation bonds that have occurred since the last annual report and any expenditures of the proceeds of such bonds expected to occur in the future, including the amount of sales tax revenue, how such revenue has been spent, the projected amount of such revenue and the anticipated use of such revenue. The department of commerce shall compile this information and submit a report annually to the governor and the legislature by February 1 of each year.

(2) (A) In addition to the report referenced in paragraph (1), the department of commerce, in cooperation with the department of revenue, shall submit a report to the senate commerce committee and the house commerce, labor and economic development committee by January 31 of each session. The report shall include the following information for the last three calendar years and the most current year-to-date information available with respect to each star bond district:

(i) The amount of sales tax collected, and the amount of any "base" sales taxes being allocated to the district;

(ii) the total amount of bond payments and other expenses incurred;

(iii) the total amount of bonds issued and the balance of the bonds, by district and by project in the district;

(iv) the remaining cash balance in the project to pay future debt service and other expenses;

(v) any new income producing properties being brought into a district and the base revenue going to the state general fund and incremental sales tax increases going to the district with respect to such properties;

(vi) the amount of bonds issued to repay private investors in the project with calculations showing the private and state share of indebtedness;

(vii) the percentage of local effort sales tax actually committed to the district compared to the state's share of sales tax percentage committed to the district;

(viii) the number of out-of-state visitors to a project, a discussion of the visitor attraction properties of projects in the districts, and a comparison of the number of out-of-state visitors with the number of in-state visitors; and

(ix) if any information or data is not available, an explanation as to why it is not available.

(B) Either the senate commerce committee or the house committee on commerce, labor and economic development may amend the information required in the report with additional requests and clarification on a going forward basis.

(d) A city or county may use the proceeds of special obligation bonds or any uncommitted funds derived from sources set forth in this section to pay the bond project costs as defined in K.S.A. 2015 Supp. 12-17,162, and amendments thereto, to implement the STAR bond project plan.

(e) With respect to a STAR bond project district established prior to January 1,

2003, for which, prior to January 1, 2003, the secretary made a finding as provided in subsection (a) ~~of this section~~ that a STAR bond project would create a major tourism area for the state, such special obligation bonds shall be payable both as to principal and interest, from a pledge of all of the revenue from any transient guest, state and local sales and use taxes collected from taxpayers as provided in subsection (a) ~~of this section~~ whether or not revenues from such taxes are received by the city.

Sec. 4. K.S.A. 2015 Supp. 12-17,171 is hereby amended to read as follows: 12-17,171. (a) Any addition of area to the STAR bond project district, or any substantial change as defined in K.S.A. 2015 Supp. 12-17,162, and amendments thereto, to the STAR bond project district plan shall be subject to the same procedure for public notice and hearing as is required for the establishment of the STAR bond project district. Any such addition of area shall be limited to real property which has not been part of another STAR bond project district. The base year of a STAR bond project district, following the addition of area to the STAR bond project district, shall be the base year for the original area, and with respect to the additional area, the base year shall be any 12-month period immediately prior to the month in which additional area is added to the STAR bond project district.

(b) A city or county may remove real property from a STAR bond project district by an ordinance or resolution of the governing body respectively.

(c) A city or county may divide the real property in a STAR bond project district, including real property in different project areas within a STAR bond project district, into separate STAR bond project districts. Any division of real property within a STAR bond project district into more than one STAR bond project district shall be subject to the same procedure of public notice and hearing as is required for the establishment of the STAR bond project district.

(d) Subject to the provisions of subsection (a), if a city or county has undertaken a STAR bond project within a STAR bond project district, and either the city or county wishes to subsequently remove more than a de minimus amount of real property from the STAR bond project district, or the city or county wishes to subsequently divide the real property in the STAR bond project district into more than one STAR bond project district, then prior to any such removal or division the city or county must provide a feasibility study which shows that the tax revenue from the resulting STAR bond project district within which the STAR bond project is located is expected to be sufficient to pay the project costs.

(e) Removal of real property from one STAR bond project district and addition of all or a portion of that real property to another STAR bond project district may be accomplished by the adoption of an ordinance or resolution, and in such event the determination of the existence or nonexistence of an adverse effect on the county or school district under ~~subsection (f) of~~ K.S.A. 2015 Supp. 12-17,165~~(f)~~, and amendments thereto, shall apply to both such removal and such addition of real property to a STAR bond project district.

Sec. 5. K.S.A. 2015 Supp. 12-17,176 is hereby amended to read as follows: 12-17,176. (a) STAR bond projects using state sales tax financing pursuant to K.S.A. 2015 Supp. 12-17,169, and amendments thereto, shall be audited by an independent certified public accountant annually at the expense of the city or county. The audit report shall supplement the annual report required pursuant to K.S.A. 2015 Supp. 12-17,169, and amendments thereto.

(b) Such audits shall determine whether bond financing obtained under K.S.A. 2015 Supp. 12-17,169, and amendments thereto, is being used only for authorized purposes. Audit results shall be reported to the house commerce, labor and economic development ~~and tourism~~ committee, the senate commerce committee, or successor committees, the governor and the secretaries of commerce and revenue during the legislative session immediately following the audit.

(c) If audit findings indicate that bond funds have been used for unauthorized or ineligible purposes, the city or county shall repay to the bond fund all such unauthorized or ineligible expenditures. Such city or county shall enter into a repayment agreement with the secretary of revenue specifying the terms of such repayment obligation.

Sec. 6. K.S.A. 2015 Supp. 74-99b15 is hereby amended to read as follows: 74-99b15. Nothing in this act should be construed as allowing the board to sell the authority or substantially all of the assets of the authority, or to merge the authority with another institution, without prior legislative authorization by statute. This authorization may be provided by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

Sec. 7. K.S.A. 2015 Supp. 12-1770a, 12-17,162, 12-17,169, 12-17,171, 12-17,176 and 74-99b15 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 through 4; in line 5, by striking "section" and inserting "economic development; relating to tax increment financing, eligible areas; the STAR bond financing act; base year assessed valuation, business relocations; reports to the legislature; concerning the Kansas bioscience authority; delegating authority to the state finance council to oversee any sale of the Kansas bioscience authority or substantially all of the authority's assets; amending K.S.A. 2015 Supp. 12-1770a, 12-17,162, 12-17,169, 12-17,171, 12-17,176 and 74-99b15 and repealing the existing sections";

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

TY MASTERSON

JIM DENNING

LAURA KELLY

*Conferees on part of Senate*

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

Senator Denning moved the Senate adopt the Conference Committee Report on **HB 2632**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Holmes moved the Senate concur in House amendments to **SB 224**.

**SB 224**, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2015 Supp. 65-6111 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Abrams.

The Senate concurred.

### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub HB 2365**.

The House adopts the Conference Committee report on **S Sub HB 2509**.

The House adopts the Conference Committee report on **HB 2696**.

The House adopts the Conference Committee report on **HB 2739**.

The House accedes to the request of the Senate for a conference on **HB 2615** and has appointed Representatives Hawkins, Dove and Ward as Fourth conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until 8:30 p.m.

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### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub HB 2049**.

The House adopts the Conference Committee report on **HB 2632**.

The House not adopts the Conference Committee report on **H Sub SB 402**, requests a conference and appoints Representatives Hawkins, Dove and Ward as third conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 280** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

### ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **H Sub SB 402**.

The President appointed Senators O'Donnell, Denning and Kelly as third conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 8:30 p.m.

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**ORIGINAL MOTION**

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 255; S Sub HB 2112; HB 2615.**

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator King moved the Senate concur in House amendments to **H Sub SB 255.**

**H Sub SB 255**, AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp. 21-6614 and repealing the existing section; reviving and amending K.S.A. 5-517 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b, 74-7325, 74-7334 and 75-7021 and repealing the revived sections; also repealing K.S.A. 5-517, as amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas, and 20-166, as amended by section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b, 74-7325, as amended by section 38 of chapter 82 of the 2014 Session Laws of Kansas, 74-7334, as amended by section 39 of chapter 82 of the 2014 Session Laws of Kansas, and 75-7021, as amended by section 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp 20-1a16 and 21-6614f.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2112** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2112, as follows:

On page 1, by striking all in lines 5 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 9 and inserting:

"New Section 1. (a) Any civil action to interpret, apply, enforce or determine the validity of the provisions of the following may be brought in the district court, except to the extent that a statute confers exclusive jurisdiction on a court, agency or tribunal other than the district court:

- (1) The articles of incorporation or the bylaws of a corporation;
- (2) any instrument, document or agreement by which a corporation creates or sells, or offers to create or sell, any of its stock, or any rights or options respecting its stock;
- (3) any written restrictions on the transfer, registration of transfer or ownership of securities under K.S.A. 17-6426, and amendments thereto;

(4) any proxy under K.S.A. 17-6502 or 17-6505, and amendments thereto;  
(5) any voting trust or other voting agreement under K.S.A. 17-6508, and amendments thereto;

(6) any agreement, certificate of merger or consolidation, or certificate of ownership and merger governed by K.S.A. 17-6701 through 17-6703 or 17-6705 through 17-6708, and amendments thereto;

(7) any certificate of conversion under K.S.A. 17-6713, and amendments thereto;  
or

(8) any other instrument, document, agreement or certificate required by any provision of this code.

(b) Any civil action to interpret, apply or enforce any provision of this code may be brought in the district court.

(c) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) The bylaws may provide that if the corporation solicits proxies with respect to an election of directors, it may be required, to the extent and subject to such procedures or conditions as may be provided in the bylaws, to include in its proxy solicitation materials, including any form of proxy it distributes, in addition to individuals nominated by the board of directors, one or more individuals nominated by a stockholder. Such procedures or conditions may include any of the following:

(1) A provision requiring a minimum record or beneficial ownership, or duration of ownership, of shares of the corporation's capital stock, by the nominating stockholder, and defining beneficial ownership to take into account options or other rights in respect of or related to such stock;

(2) a provision requiring the nominating stockholder to submit specified information concerning the stockholder and the stockholder's nominees, including information concerning ownership by such persons of shares of the corporation's capital stock, or options or other rights in respect of or related to such stock;

(3) a provision conditioning eligibility to require inclusion in the corporation's proxy solicitation materials upon the number or proportion of directors nominated by stockholders or whether the stockholder previously sought to require such inclusion;

(4) a provision precluding nominations by any person if such person, any nominee of such person, or any affiliate or associate of such person or nominee, has acquired or publicly proposed to acquire shares constituting a specified percentage of the voting power of the corporation's outstanding voting stock within a specified period before the election of directors;

(5) a provision requiring that the nominating stockholder undertake to indemnify the corporation in respect of any loss arising as a result of any false or misleading information or statement submitted by the nominating stockholder in connection with a nomination; and

(6) any other lawful condition.

(b) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) The bylaws may provide for the reimbursement by the corporation of expenses incurred by a stockholder in soliciting proxies in connection with an election of directors, subject to such procedures or conditions as the bylaws may prescribe, including:

(1) Conditioning eligibility for reimbursement upon the number or proportion of persons nominated by the stockholder seeking reimbursement or whether such stockholder previously sought reimbursement for similar expenses;

(2) limitations on the amount of reimbursement based upon the proportion of votes cast in favor of one or more of the persons nominated by the stockholder seeking reimbursement, or upon the amount spent by the corporation in soliciting proxies in connection with the election;

(3) limitations concerning elections of directors by cumulative voting pursuant to K.S.A. 17-6504, and amendments thereto; or

(4) any other lawful condition.

(b) No bylaw so adopted shall apply to elections for which any record date precedes its adoption.

(c) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) Except as otherwise provided in subsections (b) and (c), the provisions of the Kansas general corporation code shall apply to nonstock corporations in the manner specified in this subsection:

(1) All references to stockholders of the corporation shall be deemed to refer to members of the corporation;

(2) all references to the board of directors of the corporation shall be deemed to refer to the governing body of the corporation;

(3) all references to directors or to members of the board of directors of the corporation shall be deemed to refer to members of the governing body of the corporation; and

(4) all references to stock, capital stock, or shares thereof of a corporation authorized to issue capital stock shall be deemed to refer to memberships of a nonprofit nonstock corporation and to membership interests of any other nonstock corporation.

(b) Subsection (a) shall not apply to:

(1) K.S.A. 17-6002(a)(4), (b)(1) and (b)(2), 17-6009(a), 17-6301, 17-6404, 17-6505, 17-6518, 17-6520(b), 17-6601, 17-6602, 17-6703, 17-6705, 17-6706, 17-6707, 17-6708, 17-6801, 17-6805, 17-6805a, 17-7001, 17-7002, 17-7503(a)(4) and (b)(4), 17-7504, 17-7505(a)(4) and (b)(4) and 17-7514(c) and section 4, and amendments thereto, which apply to nonstock corporations by their terms;

(2) K.S.A. 17-6002(e), the last sentence of 17-6009(b), 17-6401, 17-6402, 17-6403, 17-6405, 17-6406, 17-6407(d), 17-6408, 17-6411, 17-6412, 17-6413, 17-6414, 17-6415, 17-6416, 17-6417, 17-6418, 17-6501, 17-6502, 17-6503, 17-6504, 17-6506, 17-6509, 17-6512, 17-6521, 17-6603, 17-6604, 17-6701, 17-6702, 17-6803 and 17-6804 and sections 7, 8 and 9, and amendments thereto; and

(3) article 72 and article 73 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

(c) In the case of a nonprofit nonstock corporation, subsection (a) shall not apply to:

(1) The sections and articles listed in subsection (b);

(2) K.S.A. 17-6002(b)(3), 17-6304(a)(2), 17-6507, 17-6508, 17-6712, 17-7503, 17-7505, 17-7509, 17-7511 and 17-7514 and section 1(a)(2) and (a)(3), and amendments thereto; and

(3) article 64 of chapter 17 of the Kansas Statutes Annotated, and amendments

thereto.

(d) For purposes of the Kansas general corporation code:

(1) A "charitable nonstock corporation" is any nonprofit nonstock corporation that is exempt from taxation under § 501(c)(3) of the federal internal revenue code of 1986, 26 U.S.C. § 501(c)(3);

(2) a "membership interest" is, unless otherwise provided in a nonstock corporation's articles of incorporation, a member's share of the profits and losses of a nonstock corporation, or a member's right to receive distributions of the nonstock corporation's assets, or both;

(3) a "nonprofit nonstock corporation" is a nonstock corporation that does not have membership interests; and

(4) a "nonstock corporation" is any corporation organized under the Kansas general corporation code that is not authorized to issue capital stock.

(e) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 5. (a) The articles of incorporation or the bylaws may require, consistent with applicable jurisdictional requirements, that any or all internal corporate claims shall be brought solely and exclusively in any or all of the courts in this state, and no provision of the articles of incorporation or the bylaws may prohibit bringing such claims in the courts of this state. "Internal corporate claims" means claims, including claims in the right of the corporation: (1) That are based upon a violation of a duty by a current or former director or officer or stockholder in such capacity; or (2) as to which this title confers jurisdiction upon the district court.

(b) This section shall be part of and supplemental to article 60 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 6. (a) (1) After a corporation has been dissolved in accordance with the procedures set forth in this code, the corporation or any successor entity may give notice of the dissolution, requiring all persons having a claim against the corporation other than a claim against the corporation in a pending action, suit or proceeding to which the corporation is a party, to present their claims against the corporation in accordance with such notice. Such notice shall state:

(A) That all such claims must be presented in writing and must contain sufficient information reasonably to inform the corporation or successor entity of the identity of the claimant and the substance of the claim;

(B) the mailing address to which such a claim must be sent;

(C) the date by which such a claim must be received by the corporation or successor entity, which date shall be no earlier than 60 days from the date thereof;

(D) that such claim will be barred if not received by the date referred to in subsection (a)(1)(C);

(E) that the corporation or a successor entity may make distributions to other claimants and the corporation's stockholders or persons interested as having been such without further notice to the claimant; and

(F) the aggregate amount, on an annual basis, of all distributions made by the corporation to its stockholders for each of the three years prior to the date the corporation dissolved.

(2) Such notice shall also be published at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the office of the

corporation's last resident agent in this state is located and in the corporation's principal place of business and, in the case of a corporation having \$10,000,000 or more in total assets at the time of its dissolution, at least once in all editions of a daily newspaper with a national circulation. On or before the date of the first publication of such notice, the corporation or successor entity shall mail a copy of such notice by certified or registered mail, return receipt requested, to each known claimant of the corporation, including persons with claims asserted against the corporation in a pending action, suit or proceeding to which the corporation is a party.

(3) Any claim against the corporation required to be presented pursuant to this subsection is barred if a claimant who was given actual notice under this subsection does not present the claim to the dissolved corporation or successor entity by the date referred to in subsection (a)(1)(C).

(4) A corporation or successor entity may reject, in whole or in part, any claim made by a claimant pursuant to this subsection by mailing notice of such rejection by certified or registered mail, return receipt requested, to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before the expiration of the period described in K.S.A. 17-6807, and amendments thereto, except that in the case of a claim filed pursuant to K.S.A. 17-6905, and amendments thereto, against a corporation or successor entity for which a receiver or trustee has been appointed by the district court, the time period shall be as provided in K.S.A. 17-6906, and amendments thereto, and the 30-day appeal period provided for in K.S.A. 17-6906 shall be applicable. A notice sent by a corporation or successor entity pursuant to this subsection shall state that any claim rejected therein will be barred if an action, suit or proceeding with respect to the claim is not commenced within 120 days of the date thereof, and shall be accompanied by a copy of K.S.A. 17-6807 through 17-6809 and section 6, and amendments thereto, and, in the case of a notice sent by a court-appointed receiver or trustee and as to which a claim has been filed pursuant to K.S.A. 17-6905, and amendments thereto, copies of K.S.A. 17-6905 and 17-6906, and amendments thereto.

(5) A claim against a corporation is barred if a claimant whose claim is rejected pursuant to subsection (a)(4) does not commence an action, suit or proceeding with respect to the claim no later than 120 days after the mailing of the rejection notice.

(b) (1) A corporation or successor entity electing to follow the procedures described in subsection (a) shall also give notice of the dissolution of the corporation to persons with contractual claims contingent upon the occurrence or nonoccurrence of future events or otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of such notice. As used in this section and in K.S.A. 17-6810, and amendments thereto, the term "contractual claims" shall not include any implied warranty as to any product manufactured, sold, distributed or handled by the dissolved corporation. Such notice shall be in substantially the form, and sent and published in the same manner, as described in subsection (a)(1).

(2) The corporation or successor entity shall offer any claimant on a contract whose claim is contingent, conditional or unmatured such security as the corporation or successor entity determines is sufficient to provide compensation to the claimant if the claim matures. The corporation or successor entity shall mail such offer to the claimant by certified or registered mail, return receipt requested, within 90 days of receipt of such claim and, in all events, at least 150 days before the expiration of the period described in K.S.A. 17-6807, and amendments thereto. If the claimant offered such

security does not deliver in writing to the corporation or successor entity a notice rejecting the offer within 120 days after receipt of such offer for security, the claimant shall be deemed to have accepted such security as the sole source from which to satisfy the claim against the corporation.

(c) (1) A corporation or successor entity which has given notice in accordance with subsection (a) shall petition the district court to determine the amount and form of security that will be reasonably likely to be sufficient to provide compensation for any claim against the corporation which is the subject of a pending action, suit or proceeding to which the corporation is a party other than a claim barred pursuant to subsection (a).

(2) A corporation or successor entity which has given notice in accordance with subsections (a) and (b) shall petition the district court to determine the amount and form of security that will be sufficient to provide compensation to any claimant who has rejected the offer for security made pursuant to subsection (b)(2).

(3) A corporation or successor entity which has given notice in accordance with subsection (a) shall petition the district court to determine the amount and form of security which will be reasonably likely to be sufficient to provide compensation for claims that have not been made known to the corporation or that have not arisen but that, based on facts known to the corporation or successor entity, are likely to arise or to become known to the corporation or successor entity within five years after the date of dissolution or such longer period of time as the district court may determine, not to exceed 10 years after the date of dissolution. The district court may appoint a guardian ad litem in respect of any such proceeding brought under this subsection. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the petitioner in such proceeding.

(d) The giving of any notice or making of any offer pursuant to this section shall not revive any claim then barred or constitute acknowledgment by the corporation or successor entity that any person to whom such notice is sent is a proper claimant and shall not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

(e) As used in this section, the term "successor entity" shall include any trust, receivership or other legal entity governed by the laws of this state to which the remaining assets and liabilities of a dissolved corporation are transferred and which exists solely for the purposes of prosecuting and defending suits, by or against the dissolved corporation, enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation and to distribute to the dissolved corporation's stockholders any remaining assets, but not for the purpose of continuing the business for which the dissolved corporation was organized.

(f) The time periods and notice requirements of this section shall, in the case of a corporation or successor entity for which a receiver or trustee has been appointed by the district court, be subject to variation by, or in the manner provided in, the rules of the district court.

(g) In the case of a nonstock corporation, any notice referred to in the last sentence of subsection (a)(4) shall include a copy of section 4, and amendments thereto. In the case of a nonprofit nonstock corporation, the provisions of this section regarding

distributions to members shall not apply to the extent that those provisions conflict with any other applicable law or with that corporation's articles of incorporation or bylaws.

(h) This section shall be part of and supplemental to article 68 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 7. (a) Notwithstanding any other provisions of this chapter, a corporation shall not engage in any business combination with any interested stockholder for a period of three years following the time that such stockholder became an interested stockholder, unless:

(1) Prior to such time the board of directors of the corporation approved either the business combination or the transaction which resulted in the stockholder becoming an interested stockholder;

(2) upon consummation of the transaction which resulted in the stockholder becoming an interested stockholder, the interested stockholder owned at least 85% of the voting stock of the corporation outstanding at the time the transaction commenced, excluding for purposes of determining the voting stock outstanding, but not the outstanding voting stock owned by the interested stockholder, those shares owned: (A) By persons who are directors and also officers; and (B) employee stock plans in which employee participants do not have the right to determine confidentially whether shares held subject to the plan will be tendered in a tender or exchange offer; or

(3) at or subsequent to such time the business combination is approved by the board of directors and authorized at an annual or special meeting of stockholders, and not by written consent, by the affirmative vote of at least  $66\frac{2}{3}\%$  of the outstanding voting stock which is not owned by the interested stockholder.

(b) The restrictions contained in this section shall not apply if:

(1) The corporation's original articles of incorporation contain a provision expressly electing not to be governed by this section or the Kansas business combinations with interested shareholders act;

(2) the corporation, by action of its board of directors, adopts an amendment to its bylaws on or before July 1, 1990, expressly electing not to be governed by this section or the Kansas business combinations with interested shareholders act, which amendment shall not be further amended by the board of directors;

(3) the corporation, by action of its stockholders, adopts an amendment to its articles of incorporation or bylaws expressly electing not to be governed by this section, except that, in addition to any other vote required by law, such amendment to the articles of incorporation or bylaws must be approved by the affirmative vote of a majority of the shares entitled to vote. An amendment adopted pursuant to this paragraph shall be effective immediately in the case of a corporation that both: (A) Has never had a class of voting stock that falls within any of the two categories set out in subsection (b)(4); and (B) has not elected by a provision in its original articles of incorporation, or any amendment thereto, to be governed by this section. In all other cases, an amendment adopted pursuant to this paragraph shall not be effective until 12 months after the adoption of such amendment and shall not apply to any business combination between such corporation and any person who became an interested stockholder of such corporation on or prior to such adoption. A bylaw amendment adopted pursuant to this paragraph shall not be further amended by the board of directors;

(4) the corporation does not have a class of voting stock that is: (A) Listed on a

national securities exchange; or (B) held of record by more than 2,000 stockholders, unless any of the foregoing results from action taken, directly or indirectly, by an interested stockholder or from a transaction in which a person becomes an interested stockholder;

(5) a stockholder becomes an interested stockholder inadvertently and: (A) As soon as practicable divests itself of ownership of sufficient shares so that the stockholder ceases to be an interested stockholder; and (B) would not, at any time within the three-year period immediately prior to a business combination between the corporation and such stockholder, have been an interested stockholder but for the inadvertent acquisition of ownership;

(6) (A) the business combination is proposed prior to the consummation or abandonment of and subsequent to the earlier of the public announcement or the notice required by this subsection of a proposed transaction which: (i) Constitutes one of the transactions described in the second sentence of this paragraph; (ii) is with or by a person who either was not an interested stockholder during the previous three years or who became an interested stockholder with the approval of the corporation's board of directors or during the period described in paragraph (7); and (iii) is approved or not opposed by a majority of the members of the board of directors then in office, but not less than one, who were directors prior to any person becoming an interested stockholder during the previous three years or were recommended for election or elected to succeed such directors by a majority of such directors.

(B) The proposed transactions referred to in subsection (b)(6)(A) are limited to: (i) A merger or consolidation of the corporation, except for a merger in respect of which, pursuant to K.S.A. 17-6701(f), and amendments thereto, no vote of the stockholders of the corporation is required; (ii) a sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one transaction or a series of transactions, whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation, other than to any direct or indirect wholly-owned subsidiary or to the corporation, having an aggregate market value equal to 50% or more of either that aggregate market value of all of the assets of the corporation determined on a consolidated basis or the aggregate market value of all the outstanding stock of the corporation; or (iii) a proposed tender or exchange offer for 50% or more of the outstanding voting stock of the corporation. The corporation shall give not less than 20 days' notice to all interested stockholders prior to the consummation of any of the transactions described in subparagraph (B)(i) or (ii); or

(7) the business combination is with an interested stockholder who became an interested stockholder at a time when the restrictions contained in this section did not apply by reason of any of subsections (b)(1) through (b)(4), except that this paragraph shall not apply if, at the time such interested stockholder became an interested stockholder, the corporation's articles of incorporation contained a provision authorized by the last sentence of this subsection.

Notwithstanding subsections (b)(1) through (b)(4), a corporation may elect by a provision of its original articles of incorporation, or any amendment thereto, to be governed by this section, except that any such amendment to the articles of incorporation shall not apply to restrict a business combination between the corporation and an interested stockholder of the corporation if the interested stockholder became such prior to the effective date of the amendment.

(c) As used in this section only:

(1) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, another person.

(2) "Associate," when used to indicate a relationship with any person, means: (A) Any corporation, partnership, unincorporated association or other entity of which such person is a director, officer or partner or is, directly or indirectly, the owner of 20% or more of any class of voting stock; (B) any trust or other estate in which such person has at least a 20% beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity; and (C) any relative or spouse of such person, or any relative of such spouse, who has the same residence as such person.

(3) "Business combination," when used in reference to any corporation and any interested stockholder of such corporation, means:

(A) Any merger or consolidation of the corporation or any direct or indirect majority-owned subsidiary of the corporation with:

(i) The interested stockholder; or

(ii) with any other corporation, partnership, unincorporated association or other entity if the merger or consolidation is caused by the interested stockholder and as a result of such merger or consolidation subsection (a) is not applicable to the surviving entity;

(B) any sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one transaction or a series of transactions, except proportionately as a stockholder of such corporation, to or with the interested stockholder, whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation which assets have an aggregate market value equal to 10% or more of either the aggregate market value of all the assets of the corporation determined on a consolidated basis or the aggregate market value of all the outstanding stock of the corporation;

(C) any transaction which results in the issuance or transfer by the corporation or by any direct or indirect majority-owned subsidiary of the corporation of any stock of the corporation or of such subsidiary to the interested stockholder, except:

(i) Pursuant to the exercise, exchange or conversion of securities exercisable for, exchangeable for or convertible into stock of such corporation or any such subsidiary which securities were outstanding prior to the time that the interested stockholder became such;

(ii) pursuant to a merger under K.S.A. 17-6701(g), and amendments thereto;

(iii) pursuant to a dividend or distribution paid or made, or the exercise, exchange or conversion of securities exercisable for, exchangeable for or convertible into stock of such corporation or any such subsidiary which security is distributed, pro rata to all holders of a class or series of stock of such corporation subsequent to the time the interested stockholder became such;

(iv) pursuant to an exchange offer by the corporation to purchase stock made on the same terms to all holders of such stock; or

(v) any issuance or transfer of stock by the corporation; provided however, that in no case under subparagraph (C)(iii) through (v) shall there be an increase in the interested stockholder's proportionate share of the stock of any class or series of the corporation or of the voting stock of the corporation;

(D) any transaction involving the corporation or any direct or indirect majority-owned subsidiary of the corporation which has the effect, directly or indirectly, of increasing the proportionate share of the stock of any class or series, or securities convertible into the stock of any class or series, of the corporation or of any such subsidiary which is owned by the interested stockholder, except as a result of immaterial changes due to fractional share adjustments or as a result of any purchase or redemption of any shares of stock not caused, directly or indirectly, by the interested stockholder; or

(E) any receipt by the interested stockholder of the benefit, directly or indirectly, except proportionately as a stockholder of such corporation, of any loans, advances, guarantees, pledges or other financial benefits, other than those expressly permitted in subparagraphs (A) through (D), provided by or through the corporation or any direct or indirect majority-owned subsidiary.

(4) "Control," including the terms "controlling," "controlled by" and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting stock, by contract or otherwise. A person who is the owner of 20% or more of the outstanding voting stock of any corporation, partnership, unincorporated association or other entity shall be presumed to have control of such entity, in the absence of proof by a preponderance of the evidence to the contrary, except that a presumption of control shall not apply where such person holds voting stock, in good faith and not for the purpose of circumventing this section, as an agent, bank, broker, nominee, custodian or trustee for one or more owners who do not individually or as a group have control of such entity.

(5) (A) "Interested stockholder" means any person, other than the corporation and any direct or indirect majority-owned subsidiary of the corporation, that:

(i) Is the owner of 15% or more of the outstanding voting stock of the corporation; or

(ii) is an affiliate or associate of the corporation and was the owner of 15% or more of the outstanding voting stock of the corporation at any time within the three-year period immediately prior to the date on which it is sought to be determined whether such person is an interested stockholder, and the affiliates and associates of such person.

(B) The term "interested stockholder" shall not include:

(i) Any person who: (a) Owned shares in excess of the 15% limitation set forth herein as of, or acquired such shares pursuant to a tender offer commenced prior to July 1, 1989, or pursuant to an exchange offer announced prior to such date and commenced within 90 days thereafter and either: (1) Continued to own shares in excess of such 15% limitation or would have but for action by the corporation; or (2) is an affiliate or associate of the corporation and so continued, or so would have continued but for action by the corporation, to be the owner of 15% or more of the outstanding voting stock of the corporation at any time within the three-year period immediately prior to the date on which it is sought to be determined whether such a person is an interested stockholder; or (b) acquired such shares from a person described in subparagraph (B)(i)(a) by gift, inheritance or in a transaction in which no consideration was exchanged; or

(ii) any person whose ownership of shares in excess of the 15% limitation set forth herein is the result of action taken solely by the corporation; provided that such person shall be an interested stockholder if thereafter such person acquires additional shares of

voting stock of the corporation, except as a result of further corporate action not caused, directly or indirectly, by such person.

(C) For the purpose of determining whether a person is an interested stockholder, the voting stock of the corporation deemed to be outstanding shall include stock deemed to be owned by the person through application of paragraph (9), but shall not include any other unissued stock of such corporation which may be issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise.

(6) "Person" means any individual, corporation, partnership, unincorporated association or other entity.

(7) "Stock" means, with respect to any corporation, capital stock and, with respect to any other entity, any equity interest.

(8) "Voting stock" means, with respect to any corporation, stock of any class or series entitled to vote generally in the election of directors and, with respect to any entity that is not a corporation, any equity interest entitled to vote generally in the election of the governing body of such entity. Every reference to a percentage of voting stock shall refer to such percentage of the votes of such voting stock.

(9) "Owner," including the terms "own" and "owned," when used with respect to any stock, means a person that individually or with or through any of its affiliates or associates:

(A) Beneficially owns such stock, directly or indirectly;

(B) has: (i) The right to acquire such stock, whether such right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement or understanding, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise, except that a person shall not be deemed the owner of stock tendered pursuant to a tender or exchange offer made by such person or any of such person's affiliates or associates until such tendered stock is accepted for purchase or exchange; or (ii) the right to vote such stock pursuant to any agreement, arrangement or understanding, except that a person shall not be deemed the owner of any stock because of such person's right to vote such stock if the agreement, arrangement or understanding to vote such stock arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made to 10 or more persons; or

(C) has any agreement, arrangement or understanding for the purpose of acquiring, holding, voting, except voting pursuant to a revocable proxy or consent as described in subparagraph (B)(ii), or disposing of such stock with any other person that beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, such stock.

(d) No provision of an articles of incorporation or bylaw shall require, for any vote of stockholders required by this section, a greater vote of stockholders than that specified in this section.

(e) This section amends and recodifies the Kansas business combinations with interested shareholders act. Any reference in a corporation's articles of incorporation or bylaws to the Kansas business combinations with interested shareholders act shall be deemed to refer to this section.

(f) This section shall be part of and supplemental to article 64 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 8. (a) Subject to subsection (f), no defective corporate act or putative

stock shall be void or voidable solely as a result of a failure of authorization if ratified as provided in this section or validated by the district court in a proceeding brought under section 9, and amendments thereto.

(b) (1) In order to ratify one or more defective corporate acts pursuant to this section, other than the ratification of an election of the initial board of directors pursuant to subsection (b)(2), the board of directors of the corporation shall adopt resolutions stating:

- (A) The defective corporate act or acts to be ratified;
- (B) the date of each defective corporate act or acts;
- (C) if such defective corporate act or acts involved the issuance of shares of putative stock, the number and type of shares of putative stock issued and the date or dates upon which such putative shares were purported to have been issued;
- (D) the nature of the failure of authorization in respect of each defective corporate act to be ratified; and
- (E) that the board of directors approves the ratification of the defective corporate act or acts.

Such resolutions may also provide that, at any time before the validation effective time in respect to any defective corporate act set forth therein, notwithstanding the approval of the ratification of such defective corporate act by stockholders, the board of directors may abandon the ratification of such defective corporate act without further action of the stockholders. The quorum and voting requirements applicable to the ratification by the board of directors of any defective corporate act shall be the quorum and voting requirements applicable to the type of defective corporate act proposed to be ratified at the time the board adopts the resolutions ratifying the defective corporate act, except that if the articles of incorporation or bylaws of the corporation, any plan or agreement to which the corporation was a party or any provision of the Kansas general corporation code, in each case as in effect as of the time of the defective corporate act, would have required a larger number or portion of directors or of specified directors for a quorum to be present or to approve the defective corporate act, such larger number or portion of such directors or such specified directors shall be required for a quorum to be present or to adopt the resolutions to ratify the defective corporate act, as applicable, except that the presence or approval of any director elected, appointed or nominated by holders of any class or series of which no shares are then outstanding, or by any person that is no longer a stockholder, shall not be required.

(2) In order to ratify a defective corporate act in respect of the election of the initial board of directors of the corporation pursuant to K.S.A. 17-6008, and amendments thereto, a majority of the persons who, at the time the resolutions required by this paragraph are adopted, are exercising the powers of directors under claim and color of an election or appointment as such may adopt resolutions stating:

- (A) The name of the person or persons who first took action in the name of the corporation as the initial board of directors of the corporation;
- (B) the earlier of the date on which such persons first took such action or were purported to have been elected as the initial board of directors; and
- (C) that the ratification of the election of such person or persons as the initial board of directors is approved.

(c) Each defective corporate act ratified pursuant to subsection (b)(1) shall be submitted to stockholders for approval as provided in subsection (d), unless:

(1) No other provision of the Kansas general corporation code, and no provision of the articles of incorporation or bylaws of the corporation, or of any plan or agreement to which the corporation is a party, would have required stockholder approval of such defective corporate act to be ratified, either at the time of such defective corporate act or at the time the board of directors adopts the resolutions ratifying such defective corporate act pursuant to subsection (b)(1); and

(2) such defective corporate act did not result from a failure to comply with section 7, and amendments thereto.

(d) If the ratification of a defective corporate act is required to be submitted to stockholders for approval pursuant to subsection (c), due notice of the time, place, if any, and purpose of the meeting shall be given at least 20 days before the date of the meeting to each holder of valid stock and putative stock, whether voting or nonvoting, at the address of such holder as it appears or most recently appeared, as appropriate, on the records of the corporation. The notice also shall be given to the holders of record of valid stock and putative stock, whether voting or nonvoting, as of the time of the defective corporate act, other than holders whose identities or addresses cannot be determined from the records of the corporation. The notice shall contain a copy of the resolutions adopted by the board of directors pursuant to subsection (b)(1) or the information required by subsection (b)(1)(A) through (E) and a statement that any claim that the defective corporate act or putative stock ratified hereunder is void or voidable due to the failure of authorization, or that the district court should declare in its discretion that a ratification in accordance with this section not be effective or be effective only on certain conditions must be brought within 120 days from the applicable validation effective time. At such meeting, the quorum and voting requirements applicable to the ratification of such defective corporate act shall be the quorum and voting requirements applicable to the type of defective corporate act proposed to be ratified at the time of the approval of the ratification, except that:

(1) If the articles of incorporation or bylaws of the corporation, any plan or agreement to which the corporation was a party or any provision of the Kansas general corporation code in effect as of the time of the defective corporate act would have required a larger number or portion of stock or of any class or series thereof or of specified stockholders for a quorum to be present or to approve the defective corporate act, the presence or approval of such larger number or portion of stock or of such class or series thereof or of such specified stockholders shall be required for a quorum to be present or to approve the ratification of the defective corporate act, as applicable, except that the presence or approval of shares of any class or series of which no shares are then outstanding, or of any person that is no longer a stockholder, shall not be required;

(2) the approval by stockholders of the ratification of the election of a director shall require the affirmative vote of the majority of shares present at the meeting and entitled to vote on the election of such director, except that if the articles of incorporation or bylaws of the corporation then in effect or in effect at the time of the defective election require or required a larger number or portion of stock or of any class or series thereof or of specified stockholders to elect such director, the affirmative vote of such larger number or portion of stock or of any class or series thereof or of such specified stockholders shall be required to ratify the election of such director, except that the presence or approval of shares of any class or series of which no shares are then outstanding, or of any person that is no longer a stockholder, shall not be required; and

(3) in the event of a failure of authorization resulting from failure to comply with the provisions of section 7, and amendments thereto, the ratification of the defective corporate act shall require the vote set forth in section 7(a)(3), and amendments thereto, regardless of whether such vote would have otherwise been required.

Shares of putative stock on the record date for determining stockholders entitled to vote on any matter submitted to stockholders pursuant to subsection (c), and without giving effect to any ratification that becomes effective after such record date, shall neither be entitled to vote nor counted for quorum purposes in any vote to ratify any defective corporate act.

(e) If a defective corporate act ratified pursuant to this section would have required under any other section of the Kansas general corporation code the filing of a document in accordance with K.S.A. 2015 Supp. 17-7910, and amendments thereto, then, whether or not a document was previously filed in respect to such defective corporate act and in lieu of filing the document otherwise required by provisions of the Kansas general corporation code, the corporation shall file a certificate of validation with respect to such defective corporate act in accordance with K.S.A. 2015 Supp. 17-7910, and amendments thereto. A separate certificate of validation shall be required for each defective corporate act requiring the filing of a certificate of validation under this section, except that two or more defective corporate acts may be included in a single certificate of validation if the corporation filed, or to comply with provisions of the Kansas general corporation code, would have filed, a single document under another provision of the Kansas general corporation code to effect such acts, and two or more overissues of shares of any class, classes or series of stock may be included in a single certificate of validation, provided that the increase in the number of authorized shares of each such class or series set forth in the certificate of validation shall be effective as of the date of the first such overissue. The certificate of validation shall set forth:

(1) Each defective corporate act that is the subject of the certificate of validation, including, in the case of any defective corporate act involving the issuance of shares of putative stock, the number and type of shares of putative stock issued and the date or dates upon which such putative shares were purported to have been issued, the date of such defective corporate act, and the nature of the failure of authorization in respect to such defective corporate act;

(2) a statement that such defective corporate act was ratified in accordance with this section, including the date on which the board of directors ratified such defective corporate act and the date, if any, on which the stockholders approved the ratification of such defective corporate act; and

(3) the information required by one of the following subparagraphs:

(A) If a document was previously filed under K.S.A. 2015 Supp. 17-7910, and amendments thereto, in respect to such defective corporate act and no changes to such document are required to give effect to such defective corporate act in accordance with this section, the certificate of validation shall set forth: (i) The name, title and filing date of the document previously filed and of any certificate of correction thereto; and (ii) a statement that a copy of the document previously filed, together with any certificate of correction thereto, is attached as an exhibit to the certificate of validation;

(B) if a document was previously filed under K.S.A. 2015 Supp. 17-7910, and amendments thereto, in respect to the defective corporate act and such document requires any change to give effect to the defective corporate act in accordance with this

section, including a change to the date and time of the effectiveness of such certificate, the certificate of validation shall set forth: (i) The name, title and filing date of the document so previously filed and of any certificate of correction thereto; (ii) a statement that a document containing all of the information required to be included under the applicable section or sections of the Kansas general corporation code to give effect to the defective corporate act is attached as an exhibit to the certificate of validation; and (iii) the date that such certificate shall be deemed to have become effective pursuant to this section; or

(C) if a document was not previously filed under K.S.A. 2015 Supp. 17-7910, and amendments thereto, in respect to the defective corporate act and the defective corporate act ratified pursuant to this section would have required under any other section of the Kansas general corporation code the filing of a document in accordance with K.S.A. 2015 Supp. 17-7910, and amendments thereto, the certificate of validation shall set forth: (i) A statement that a document containing all of the information required to be included under the applicable section or sections of the Kansas general corporation code to give effect to the defective corporate act is attached as an exhibit to the certificate of validation; and (ii) the date and time that such certificate shall be deemed to have become effective pursuant to this section.

(4) A document attached to a certificate of validation pursuant to paragraph (3)(B) or (C) need not be separately executed and acknowledged and need not include any statement required by any other section of the Kansas general corporation code that such document has been approved and adopted in accordance with the provisions of such other section.

(f) From and after the validation effective time, unless otherwise determined in an action brought pursuant to section 9, and amendments thereto:

(1) Subject to the last sentence of subsection (d), each defective corporate act ratified in accordance with this section shall no longer be deemed void or voidable as a result of a the failure of authorization described in the resolutions adopted pursuant to subsection (b) and such effect shall be retroactive to the time of the defective corporate act; and

(2) subject to the last sentence of subsection (d), each share or fraction of a share of putative stock issued or purportedly issued pursuant to any such defective corporate act shall no longer be deemed void or voidable and shall be deemed to be an identical share or fraction of a share of outstanding stock as of the time it was purportedly issued.

(g) (1) In respect of each defective corporate act ratified by the board of directors pursuant to subsection (b), prompt notice of the ratification shall be given to all holders of valid stock and putative stock, whether voting or nonvoting, as of the date the board of directors adopts the resolutions approving such defective corporate act, or as of a date within 60 days after such date of adoption, as established by the board of directors, at the address of such holder as it appears or most recently appeared, as appropriate, on the records of the corporation. The notice also shall be given to the holders of record of valid stock and putative stock, whether voting or nonvoting, as of the time of the defective corporate act, other than holders whose identities or addresses cannot be determined from the records of the corporation. The notice shall contain a copy of the resolutions adopted pursuant to subsection (b) or the information specified in subsection (b)(1)(A) through (E) or subsection (b)(2)(A) through (C), as applicable, and a statement that any claim that the defective corporate act or putative stock ratified

hereunder is void or voidable due to the failure of authorization, or that the district court should declare in its discretion that a ratification in accordance with this section not be effective or be effective only on certain conditions must be brought within 120 days from the later of the validation effective time or the time at which the notice required by this subsection is given.

(2) Notwithstanding the provisions of paragraph (1): (A) No such notice shall be required if notice of the ratification of the defective corporate act is to be given in accordance with subsection (d); and (B) in the case of a corporation that has a class of stock listed on a national securities exchange, the notice required by this subsection may be deemed given if disclosed in a document publicly filed by the corporation with the securities and exchange commission pursuant to section 13, 14 or 15(d) of the securities exchange act of 1934, as amended, and the rules and regulations promulgated thereunder, or the corresponding provisions of any subsequent federal securities laws, rules or regulations.

(3) If any defective corporate act has been approved by stockholders acting pursuant to K.S.A. 17-6518, and amendments thereto, the notice required by this subsection may be included in any notice required to be given pursuant to K.S.A. 17-6518(e), and amendments thereto, and, if so given, shall be sent to the stockholders entitled thereto under K.S.A. 17-6518(e), and amendments thereto, and to all holders of valid and putative stock to whom notice would be required under this subsection if the defective corporate act had been approved at a meeting other than any stockholder who approved the action by consent in lieu of a meeting pursuant to K.S.A. 17-6518, and amendments thereto, or any holder of putative stock who otherwise consented thereto in writing. Solely for purposes of subsection (d) and this subsection, notice to holders of putative stock, and notice to holders of valid stock and putative stock as of the time of the defective corporate act, shall be treated as notice to holders of valid stock for purposes of K.S.A. 17-6512, 17-6518, 17 6519, 17-6520, 17-6522 and 17-6523, and amendments thereto.

(h) As used in this section and in section 9, and amendments thereto, only, the terms:

(1) "Defective corporate act" means an overissue, an election or appointment of directors that is void or voidable due to a failure of authorization, or any act or transaction purportedly taken by or on behalf of the corporation that is, and at the time such act or transaction was purportedly taken would have been, within the power of a corporation under the provisions of article 61 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, but is void or voidable due to a failure of authorization.

(2) "Failure of authorization" means: (A) The failure to authorize or effect an act or transaction in compliance with the provisions of this code, the articles of incorporation or bylaws of the corporation, or any plan or agreement to which the corporation is a party, if and to the extent such failure would render such act or transaction void or voidable; or (B) the failure of the board of directors or any officer of the corporation to authorize or approve any act or transaction taken by or on behalf of the corporation that would have required for its due authorization the approval of the board of directors or such officer.

(3) "Overissue" means the purported issuance of:

(A) Shares of capital stock of a class or series in excess of the number of shares of

such class or series the corporation has the power to issue under K.S.A. 17-6411, and amendments thereto, at the time of such issuance; or

(B) shares of any class or series of capital stock that is not then authorized for issuance by the articles of incorporation of the corporation.

(4) "Putative stock" means the shares of any class or series of capital stock of the corporation, including shares issued upon exercise of options, rights, warrants or other securities convertible into shares of capital stock of the corporation, or interests with respect thereto that were created or issued pursuant to a defective corporate act, that:

(A) But for any failure of authorization, would constitute valid stock; or

(B) cannot be determined by the board of directors to be valid stock.

(5) "Time of the defective corporate act" means the date and time the defective corporate act was purported to have been taken.

(6) "Validation effective time" with respect to any defective corporate act ratified pursuant to this section means the latest of:

(A) The time at which the defective corporate act submitted to the stockholders for approval pursuant to subsection (c) is approved by such stockholders, or if no such vote of stockholders is required to approve the ratification of the defective corporate act, the time at which the board of directors adopts the resolutions required by subsection (b)(1) or (b)(2);

(B) where no certificate of validation is required to be filed pursuant to subsection (e), the time, if any, specified by the board of directors in the resolutions adopted pursuant to subsection (b)(1) or (b)(2), which time shall not precede the time at which such resolutions are adopted; and

(C) the time at which any certificate of validation filed pursuant to subsection (e) shall become effective in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto.

(7) "Valid stock" means the shares of any class or series of capital stock of the corporation that have been duly authorized and validly issued in accordance with the Kansas general corporation code.

In the absence of actual fraud in the transaction, the judgment of the board of directors that shares of stock are valid stock or putative stock shall be conclusive, unless otherwise determined by the district court in a proceeding brought pursuant to section 9, and amendments thereto.

(i) Ratification under this section or validation under section 9, and amendments thereto, shall not be deemed to be the exclusive means of ratifying or validating any act or transaction taken by or on behalf of the corporation, including any defective corporate act, or any issuance of stock, including any putative stock, or of adopting or endorsing any act or transaction taken by or in the name of the corporation prior to the commencement of its existence, and the absence or failure of ratification in accordance with either this section or validation under section 9, and amendments thereto, shall not, of itself, affect the validity or effectiveness of any act or transaction or the issuance of any stock properly ratified under common law or otherwise, nor shall it create a presumption that any such act or transaction is or was a defective corporate act or that such stock is void or voidable.

(j) This section shall be part of and supplemental to article 64 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 9. (a) Subject to subsection (e), upon application by the corporation, any

successor entity to the corporation, any member of the board of directors, any record or beneficial holder of valid stock or putative stock, any record or beneficial holder of valid or putative stock as of the time of a defective corporate act ratified pursuant to section 8, and amendments thereto, or any other person claiming to be substantially and adversely affected by a ratification pursuant to section 8, and amendments thereto, the district court may:

(1) Determine the validity and effectiveness of any defective corporate act ratified pursuant to section 8, and amendments thereto;

(2) determine the validity and effectiveness of the ratification of any defective corporate act pursuant to section 8, and amendments thereto;

(3) determine the validity and effectiveness of any defective corporate act not ratified or not ratified effectively pursuant to section 8, and amendments thereto;

(4) determine the validity of any corporate act or transaction and any stock, rights or options to acquire stock; and

(5) modify or waive any of the procedures set forth in section 8, and amendments thereto, to ratify a defective corporate act.

(b) In connection with an action under this section, the district court may:

(1) Declare that a ratification in accordance with and pursuant to section 8, and amendments thereto, is not effective or shall only be effective at a time or upon conditions established by the court;

(2) validate and declare effective any defective corporate act or putative stock and impose conditions upon such validation by the court;

(3) require measures to remedy or avoid harm to any person substantially and adversely affected by a ratification pursuant to section 8, and amendments thereto, or from any order of the court pursuant to this section, excluding any harm that would have resulted if the defective corporate act had been valid when approved or effectuated;

(4) order the secretary of state to accept an instrument for filing with an effective time specified by the court, which effective time may be prior or subsequent to the time of such order, provided that the filing date of such instrument shall be determined in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto;

(5) approve a stock ledger for the corporation that includes any stock ratified or validated in accordance with this section or with section 8, and amendments thereto;

(6) declare that shares of putative stock are shares of valid stock or require a corporation to issue and deliver shares of valid stock in place of any shares of putative stock;

(7) order that a meeting of holders of valid stock or putative stock be held and exercise the powers provided to the court under K.S.A. 17-6517, and amendments thereto, with respect to such a meeting;

(8) declare that a defective corporate act validated by the court shall be effective as of the time of the defective corporate act or at such other time as the court shall determine;

(9) declare that putative stock validated by the court shall be deemed to be an identical share or fraction of a share of valid stock as of the time originally issued or purportedly issued or at such other time as the court shall determine; and

(10) make such other orders regarding such matters as it deems proper under the circumstances.

(c) Service of the application under subsection (a) upon the resident agent of the corporation shall be deemed to be service upon the corporation, and no other party need be joined in order for the district court to adjudicate the matter. In an action filed by the corporation, the court may require notice of the action be provided to other persons specified by the court and permit such other persons to intervene in the action.

(d) In connection with the resolution of matters pursuant to subsections (a) and (b), the district court may consider the following:

(1) Whether the defective corporate act was originally approved or effectuated with the belief that the approval or effectuation was in compliance with the provisions of the Kansas general corporation code, the articles of incorporation or bylaws of the corporation;

(2) whether the corporation and board of directors has treated the defective corporate act as a valid act or transaction and whether any person has acted in reliance on the public record that such defective corporate act was valid;

(3) whether any person will be or was harmed by the ratification or validation of the defective corporate act, excluding any harm that would have resulted if the defective corporate act had been valid when approved or effectuated;

(4) whether any person will be harmed by the failure to ratify or validate the defective corporate act; and

(5) any other factors or considerations the court deems just and equitable.

(e) Notwithstanding any other provision of this section, no action asserting:

(1) That a defective corporate act or putative stock ratified in accordance with section 8, and amendments thereto, is void or voidable due to a failure of authorization identified in the resolution adopted in accordance with section 8(b), and amendments thereto; or

(2) that the district court should declare in its discretion that a ratification in accordance with section 8, and amendments thereto, not be effective or be effective only on certain conditions, may be brought after the expiration of 120 days from the later of the validation effective time and the time notice, if any, that is required to be given pursuant to section 8(g), and amendments thereto, is given with respect to such ratification, except that this subsection shall not apply to an action asserting that a ratification was not accomplished in accordance with section 8, and amendments thereto, or to any person to whom notice of the ratification was required to have been given pursuant to section 8(d) or (g), and amendments thereto, but to whom such notice was not given.

(f) This section shall be part of and supplemental to article 64 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. K.S.A. 17-1289 is hereby amended to read as follows: 17-1289. (a) An "issuing public corporation" means a corporation organized under the laws of the state of Kansas that has:

(1) One hundred or more shareholders;

(2) its principal place of business; or its principal office in Kansas, or substantial that owns or controls assets within Kansas having a fair market value of more than \$1,000,000; and

(3) either:

(A) More than 10% of its shareholders resident in Kansas;

(B) more than 10% of its shares owned of record or beneficially by Kansas

residents; or

(C) ~~two one thousand five hundred~~ shareholders resident in Kansas.

(b) The residence of a shareholder is presumed to be the address appearing in the records of the corporation.

~~(c) Shares held by banks, except as trustee or guardian, brokers or nominees shall be disregarded for purposes of calculating the percentages or numbers described in this section.~~

Sec. 11. K.S.A. 17-2036 is hereby amended to read as follows: 17-2036. (a) Every business trust shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the business trust at the close of business on the last day of its tax period under the Kansas income tax act next preceding the date of filing, but if a business trust's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports shall be made on forms provided by the secretary of state and shall be filed at the time prescribed by law for filing the business trust's annual Kansas income tax return. The report shall be ~~dated,~~ signed by a trustee or other authorized officer under penalty of perjury, and contain the following:

(1) Executed copies of all amendments to the instrument by which the business trust was created, or to prior amendments thereto, which have been adopted and have not theretofore been filed under K.S.A. 17-2033, and amendments thereto, and accompanied by the fee prescribed therein for each such amendment; and

(2) a verified list of the names and addresses of its trustees as of the end of its tax period.

(b) (1) At the time of filing its annual report, the business trust shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(2) The failure of any domestic or foreign business trust to file its annual report and pay its annual report fee within 90 days from the date on which they are due, as aforesaid described in subsection (a), or, in the case of an annual report filing and fee received by mail, postmarked within 90 days from the date on which they are due, as described in subsection (a), shall work a forfeiture of its authority to transact business in this state and all of the remedies, procedures, and penalties specified in K.S.A. 17-7509 and 17-7510, and amendments thereto, with respect to a corporation which fails to file its annual report or pay its annual report fee within 90 days after they are due, shall be applicable to such business trust.

(c) All copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234, and amendments thereto, a proper judicial order and subsection (d). All copies of such applications shall be preserved for one year and until the secretary of state orders that the copies are to be destroyed.

(d) A copy of such application shall be open to inspection by or disclosure to any person designated by resolution of the trustees of the business trust.

Sec. 12. K.S.A. 17-2718 is hereby amended to read as follows: 17-2718. (a) Each professional corporation organized under the laws of this state shall file with the secretary of state an annual report in writing stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next

preceding the date of filing, but if any such corporation's tax period is other than the calendar year it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The report shall be filed at the time prescribed by law for filing the corporation's annual Kansas income tax return. The report shall be made on a form provided by the secretary of state, containing the following information:

(1) The names and addresses of all officers, directors and shareholders of the professional corporation;

(2) a statement that each officer, director and shareholder is or is not a qualified person as defined in K.S.A. 17-2707, and amendments thereto, and setting forth the date on which any shares of the corporation were no longer owned by a qualified person; and

(3) the amount of capital stock issued.

(b) The report shall be signed by its president, secretary, treasurer or other officer duly authorized so to act, or by any two of its directors, or by an incorporator in the event its board of directors shall not have been elected. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report shall be ~~dated and~~ subscribed by the person as true, under penalty of perjury. Upon request by the regulatory board which licenses the shareholders described in the report, a copy of the annual report shall be forwarded to the regulatory board. At the time of filing its annual report, each professional corporation shall pay the annual report fee prescribed by K.S.A. 17-7503, and amendments thereto.

Sec. 13. K.S.A. 17-4634 is hereby amended to read as follows: 17-4634. (a) Every corporation organized under the electric cooperative act of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if any such corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The report shall be filed on or before the ~~fifteenth~~ 15<sup>th</sup> day of the ~~fourth~~ 4<sup>th</sup> month following the close of the tax year of the electric cooperative. The report shall be made on a form provided by the secretary of state, containing the following information:

(1) The name of the corporation;

(2) the location of the principal office;

(3) the names and addresses of the president, secretary, treasurer and all directors;

(4) the number of memberships issued; and

(5) the change or changes, if any, in the particulars made since the last annual report.

(b) Such reports shall be ~~dated~~ signed by the president, vice-president or secretary of the corporation under penalty of perjury and forwarded to the secretary of state. At the time of filing such annual report, each such corporation shall pay an annual report fee in an amount equal to \$40.

Sec. 14. K.S.A. 17-6001 is hereby amended to read as follows: 17-6001. (a) Any person, partnership, association or corporation, singly or jointly with others, and without regard to such person's or entity's residence, domicile or state of incorporation, may incorporate or organize a corporation under this ~~act~~ code by filing with the

secretary of state articles of incorporation which shall be executed and filed in accordance with K.S.A.—17-6003, 2015 Supp. 17-7908 through 17-7910, and amendments thereto.

(b) Except as otherwise provided by law, a corporation may be incorporated or organized under this ~~aet~~ code to conduct or promote any lawful business or purposes.

(c) Corporations subject to special statutory regulation may be organized under this ~~aet~~ code if required by or otherwise consistent with such other statutory regulation, but such corporations shall be subject to the special provisions and requirements applicable to such corporations. Where the provisions and requirements of this ~~aet~~ code are not inconsistent, they shall be construed as supplemental to such other statutes and not in derogation or limitation thereof, and such corporations shall be governed thereby. Subject to the foregoing provisions of this subsection, any corporation organized under the laws of this state or authorized to do business in this state shall be governed by the applicable provisions of this code.

Sec. 15. K.S.A. 2015 Supp. 17-6002 is hereby amended to read as follows: 17-6002. (a) The articles of incorporation shall set forth:

(1) The name of the corporation pursuant to K.S.A. 2015 Supp. 17-7918 and 17-7919, and amendments thereto, of the business entity standard treatment act;

(2) the address, ~~which shall include the street, number, city and zip code~~ of the corporation's registered office in this state, which shall be stated in accordance with K.S.A. 2015 Supp. 17-7924, and amendments thereto, and the name of its resident agent at such address;

(3) the nature of the business or purposes to be conducted or promoted. It shall be sufficient to state, either alone or with other businesses or purposes, that the purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the Kansas general corporation code, and by such statement all lawful acts and activities shall be within the purposes of the corporation, except for express limitations, if any;

(4) (A) if the corporation is to be authorized to issue only one class of stock, the total number of shares of stock which the corporation shall have authority to issue and the par value of each of such shares, or a statement that all such shares are to be without par value. If the corporation is to be authorized to issue more than one class of stock, the articles of incorporation shall set forth the total number of shares of all classes of stock which the corporation shall have authority to issue and the number of shares of each class, and shall specify each class the shares of which are to be without par value, and each class the shares of which are to have a par value and the par value of the shares of each such class. The articles of incorporation shall also set forth a statement of the designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof, which are permitted by K.S.A. 17-6401, and amendments thereto, in respect to any class or classes of stock or any series of any class of stock of the corporation and the fixing of which by the articles of incorporation is desired, and an express grant of such authority as it may then be desired to grant to the board of directors to fix by resolution or resolutions any thereof that may be desired but which shall not be fixed by the articles of incorporation.

(B) (i) The foregoing provisions of this subsection shall not apply to nonstock corporations ~~which are not organized for profit and which are not to have authority to issue capital stock~~. In the case of such nonstock corporations, the fact that they are not

~~to have authority authorized to issue capital stock shall be stated in the articles of incorporation and unless otherwise provided in the articles of incorporation or bylaws, the directors of such corporation shall be members for all purposes under the Kansas general corporation code. The conditions of membership of such or other criteria for identifying members, of nonstock corporations shall likewise be stated in the articles of incorporation or the articles may provide that the conditions of membership shall be stated in the bylaws, and if a corporation not organized for profit is to have authority to issue capital stock, such fact shall be stated in the articles of incorporation bylaws. Nonstock corporations shall have members, but failure to have members shall not affect otherwise valid corporate acts or work a forfeiture or dissolution of the corporation.~~

~~(ii) Nonstock corporations may provide for classes or groups of members having relative rights, powers and duties, and may make provision for the future creation of additional classes or groups of members having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members. Except as otherwise provided in this code, nonstock corporations may also provide that any member or class or group of members shall have full, limited or no voting rights or powers, including that any member or class or group of members shall have the right to vote on a specified transaction even if that member or class or group of members does not have the right to vote for the election of the members of the governing body of the corporation. Voting by members of a nonstock corporation may be on a per capita, number, financial interest, class, group or any other basis set forth.~~

~~(iii) The provisions referred to in paragraph (4)(B)(ii) may be set forth in the articles of incorporation or the bylaws. If neither the articles of incorporation nor the bylaws of a nonstock corporation state the conditions of membership, or other criteria for identifying members, the members of the corporation shall be deemed to be those entitled to vote for the election of the members of the governing body pursuant to the articles of incorporation or bylaws of such corporation or otherwise until thereafter otherwise provided by the articles of incorporation or the bylaws;~~

~~(5) the name and mailing address of the incorporator or incorporators; and~~

~~(6) if the powers of the incorporator or incorporators are to terminate upon the filing of the articles of incorporation, the names and mailing addresses of the persons who are to serve as directors until the first annual meeting of stockholders or until their successors are elected and qualify.~~

~~(b) In addition to the matters required to be set forth in the articles of incorporation by subsection (a), the articles of incorporation may also contain any or all of the following matters:~~

~~(1) Any provision for the management of the business and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the sale or other disposition of stock and the powers of the corporation, the directors and the stockholders, or any class of the stockholders, or the governing body, members or any class or group of members of a nonstock corporation, if such provisions are not contrary to the laws of this state. Any provision which is required or permitted by any section of this act code to be stated in the bylaws may be stated instead in the articles of incorporation;~~

~~(2) the following provisions, in these words:~~

~~(A) For a corporation other than a nonstock corporation: "Whenever a compromise~~

or arrangement is proposed between this corporation and its creditors or any class of them or between this corporation and its stockholders or any class of them, any court of competent jurisdiction within the state of Kansas, on the application in a summary way of this corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this corporation under K.S.A. 17-6901, and amendments thereto, or on the application of trustees in dissolution or of any receiver or receivers appointed for this corporation under the provisions of K.S.A. 17-6808 and 17-6901, and amendments thereto, may order a meeting of the creditors or class of creditors, or of the stockholders or class of stockholders of this corporation, as the case may be, to be summoned in such manner as the court directs. If a majority in number representing  $\frac{3}{4}$  in value of the creditors or class of creditors, or of the stockholders or class of stockholders of this corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this corporation as consequence of such compromise or arrangement, such compromise or arrangement and such reorganization shall, if sanctioned by the court to which the application has been made, be binding on all the creditors or class of creditors, or on all the stockholders or class of stockholders of this corporation, as the case may be, and also on this corporation"; or

(B) for a nonstock corporation: "Whenever a compromise or arrangement is proposed between this corporation and its creditors or any class of them or between this corporation and its members or any class of them, any court of competent jurisdiction within the state of Kansas may, on the application in a summary way of this corporation or of any creditor or member thereof or on the application of any receiver or receivers appointed for this corporation under K.S.A. 17-6901, and amendments thereto, or on the application of trustees in dissolution or of any receiver or receivers appointed for this corporation under the provisions of K.S.A. 17-6808 and 17-6901, and amendments thereto, order a meeting of the creditors or class or creditors, or of the members of class of members of this corporation, as the case may be, to be summoned in such manner as the court directs. If a majority in number representing  $\frac{3}{4}$  in value of the creditors or class of creditors, or of the members or class of members of this corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this corporation as consequence of such compromise or arrangement, such compromise or arrangement and the such reorganization shall, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all the stockholders members or class of stockholders members, of this corporation, as the case may be, and also on this corporation";

(3) such provisions as may be desired granting to the holders of the stock of the corporation, or the holders of any class or series of a class thereof, the preemptive right to subscribe to any or all additional issues of stock of the corporation of any or all classes or series thereof, or to any securities of the corporation convertible into such stock. No stockholder shall have any preemptive right to subscribe to an additional issue of stock or to any security convertible into such stock unless, and except to the extent that, such right is expressly granted to such stockholder in the articles of incorporation. All such rights in existence on July 1, 1972, shall remain in existence unaffected by this paragraph ~~(3)~~ unless and until changed or terminated by appropriate action which expressly provides for such change or termination;

(4) provisions requiring for any corporate action, the vote of a larger portion of the stock or of any class or series thereof, or of any other securities having voting power, or

a larger number of the directors, than is required by this ~~aet~~ code;

(5) a provision limiting the duration of the corporation's existence to a specified date; otherwise, the corporation shall have perpetual existence;

(6) a provision imposing personal liability for the debts of the corporation on its stockholders ~~or members~~ to a specified extent and upon specified conditions; otherwise, the stockholders ~~or members~~ of a corporation shall not be personally liable for the payment of the corporation's debts except as they may be liable by reason of their own conduct or acts;

(7) the manner of adoption, alteration and repeal of bylaws; and

(8) a provision eliminating or limiting the personal liability of a director to the corporation or its stockholders, ~~policyholders or members~~ for monetary damages for breach of fiduciary duty as a director, provided that such provision shall not eliminate or limit the liability of a director: (A) For any breach of the director's duty of loyalty to the corporation or its stockholders, ~~policyholders or members~~; (B) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (C) under the provisions of K.S.A. 17-6424, and amendments thereto; or (D) for any transaction from which the director derived an improper personal benefit. No such provision shall eliminate or limit the liability of a director for any act or omission occurring prior to the date when such provision becomes effective. All references in this subsection to a director also shall be deemed ~~also~~ to refer to ~~a member of the governing body of a corporation which is not authorized to issue capital stock such other person or persons, if any, who, pursuant to a provision of the articles of incorporation in accordance with K.S.A. 17-6301(a), and amendments thereto, exercise or perform any of the powers or duties otherwise conferred or imposed upon the board of directors by this code.~~

(c) It shall not be necessary to set forth in the articles of incorporation any of the powers conferred on corporations by this ~~aet~~ code.

(d) Except for provisions included pursuant to subsections (a)(1), (a)(2), (a)(5), (a)(6), (b)(2), (b)(5), (b)(7) and (b)(8), and provisions included pursuant to subsection (a)(4) specifying the classes, number of shares and par value of shares a corporation, other than a nonstock corporation, is authorized to issue, any provision of the articles of incorporation may be made dependent upon facts ascertainable outside such instrument, provided that the manner in which such facts shall operate upon the provision is clearly and explicitly set forth in the provision. As used in this subsection, the term "facts" includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(e) The articles of incorporation may not contain any provision that would impose liability on a stockholder for the attorney fees or expenses of the corporation or any other party in connection with an internal corporate claim, as defined in section 5, and amendments thereto.

Sec. 16. K.S.A. 17-6004 is hereby amended to read as follows: 17-6004. The term "articles of incorporation," as used in this ~~aet~~ code, unless the context requires otherwise, includes not only the original articles of incorporation filed to create a corporation, which includes the charter, articles of association and any other instrument by whatever name known which a corporation has been or may be lawfully formed, but it also includes all other certificates, agreements of merger or consolidation, plans of reorganization or other instruments, howsoever designated, which are filed pursuant to

K.S.A. ~~17-6002, 17-6203 to 17-6206, inclusive, 17-6401, 17-6601 to 17-6605, inclusive, 17-6701 to 17-6708, inclusive, and 17-6913~~ 2015 Supp. 17-7910, and amendments thereto, or any other section of this ~~act~~ code, and which have the effect of amending or supplementing in some respect a corporation's original articles of incorporation.

Sec. 17. K.S.A. 17-6006 is hereby amended to read as follows: 17-6006. Upon the filing with the secretary of state of the articles of incorporation, executed and filed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto, the incorporator or incorporators who signed the certificate, and such incorporator's successors and assigns, shall be and constitute a body corporate from the date of such filing by the name set forth in the articles, subject to the provisions of ~~subsection (d) of K.S.A. 17-6003~~ K.S.A. 2015 Supp. 17-7911, and amendments thereto, and subject to dissolution or other termination of its existence as provided in this ~~act~~ code.

Sec. 18. K.S.A. 17-6007 is hereby amended to read as follows: 17-6007. If the persons who are to serve as directors until the first annual meeting of stockholders have not been named in the articles of incorporation, the incorporator or incorporators, until the directors are elected, shall manage the affairs of the corporation and may do whatever is necessary and proper ~~to obtain the necessary subscriptions for stock and to~~ perfect the organization of the corporation, including the adoption of the original bylaws of the corporation and the election of directors.

Sec. 19. K.S.A. 17-6008 is hereby amended to read as follows: 17-6008. (a) After the filing of the articles of incorporation an organization meeting of the incorporator or incorporators, or of the board of directors if the initial directors were named in the articles of incorporation, shall be held, either within or without this state, at the call of a majority of the incorporators or directors, as the case may be, for the purposes of: (1) Adopting bylaws, unless a different provision is made in the articles of incorporation for the adoption thereof; (2) electing directors, if the meeting is of the incorporators, to serve or hold office until the first annual meeting of stockholders or until their successors are elected and qualify; (3) electing officers if the meeting is of the directors; (4) doing any other or further acts to perfect the organization of the corporation; and (5) transacting such other business as may come before the meeting.

(b) The persons calling the meeting shall give to each other incorporator or director, as the case may be, at least two ~~(2)~~ days' written notice thereof by any usual means of communication, which notice shall state the time, place and purposes of the meeting as fixed by the persons calling it. Notice of the meeting need not be given to anyone who attends the meeting or who signs a waiver of notice either before or after the meeting.

(c) Any action permitted to be taken at the organization meeting of the incorporators or directors, as the case may be, may be taken without a meeting if each incorporator or director, where there is more than one, or the sole incorporator or director where there is only one, signs an instrument which states the action so taken.

(d) If any incorporator is not available to act, then any person for whom or on whose behalf the incorporator was acting directly or indirectly as employee or agent, may take action that such incorporator would have been authorized to take under this section or K.S.A. 17-6007, and amendments thereto, except that any instrument signed by such other person, or any record of the proceedings of a meeting in which such person participated, shall state that: (1) Such incorporator is not available and the reason

therefor; (2) such incorporator was acting directly or indirectly as employee or agent for or on behalf of such person; and (3) such person's signature on such instrument or participation in such meeting is otherwise authorized and not wrongful.

Sec. 20. K.S.A. 17-6009 is hereby amended to read as follows: 17-6009. (a) The right to adopt, amend or repeal bylaws of any corporation in existence on July 1, 1972, shall be vested in the corporation's board of directors, unless otherwise provided in such corporation's articles of incorporation and subject to the right of the stockholders to adopt, amend or repeal the bylaws. For all other corporations, the original or other bylaws of a corporation may be adopted, amended or repealed by the incorporators, unless the initial directors were named in the articles of incorporation, or, before a corporation has received any payment for any of its stock or, in the case of a nonstock corporation, before any person has been admitted to membership in the corporation, by its board of directors or governing body, as the case may be. After a corporation has received any payment for any of its stock or, in the case of a nonstock corporation, after any person has been admitted to membership in the corporation, the power to adopt, amend or repeal bylaws shall be in the stockholders entitled to vote or, in the case of a nonstock corporation, in its members entitled to vote except that, any corporation, in its articles of incorporation, may confer the power to adopt, amend or repeal bylaws upon the directors or, in the case of a nonstock corporation, upon its governing body by whatever name designated. The fact that such power has been so conferred upon the directors or governing body, as the case may be, shall not divest the stockholders or members of the power, nor limit their power to adopt, amend or repeal bylaws.

(b) The bylaws may contain any provision, not inconsistent with law or with the articles of incorporation, relating to the business of the corporation, the conduct of its affairs, and its rights or powers or the rights or powers of its stockholders, directors, officers or employees. The bylaws may not contain any provision that would impose liability on a stockholder for the attorney fees or expenses of the corporation or any other party in connection with an internal corporate claim, as defined in section 5, and amendments thereto.

Sec. 21. K.S.A. 17-6010 is hereby amended to read as follows: 17-6010. (a) The board of directors of any corporation may adopt emergency bylaws, subject to repeal or change by action of the stockholders, which notwithstanding any different provision elsewhere in this act code or in chapters 17 and 66 of the Kansas Statutes Annotated, and amendments thereto, or in the articles of incorporation or bylaws, shall be operative during any emergency resulting from an attack on the United States or on a locality in which the corporation conducts its business or customarily holds meetings of its board of directors or its stockholders, or during any nuclear or atomic disaster, or during the existence of any catastrophe, or other similar emergency condition, as a result of which a quorum of the board of directors or a standing committee thereof cannot readily be convened for action. The emergency bylaws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

~~(a)~~ (1) A meeting of the board of directors or a committee thereof may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency bylaws;

~~(b)~~ (2) the director or directors in attendance at the meeting, or any greater number fixed by the emergency bylaws, shall constitute a quorum; and

~~(e)~~ (3) the officers or other persons designated on a list approved by the board of directors before the emergency, all in such order of priority and subject to such conditions and for such period of time ~~(not longer than reasonably necessary after the termination of the emergency)~~, as may be provided in the emergency bylaws or in the resolution approving the list, shall be deemed directors ~~of the corporation for such meeting~~, to the extent required to provide a quorum at any meeting of the board of directors.

(b) The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such emergency any or all officers or agents of the corporation shall be rendered incapable of discharging their duties for any reason.

(c) The board of directors, either before or during any such emergency, may change the head office or designate several alternative head offices or regional offices, or authorize the offices so to do, effective in the emergency.

(d) No officer, director or employee acting in accordance with any emergency bylaws shall be liable except for willful misconduct.

(e) To the extent not inconsistent with any emergency bylaws so adopted, the bylaws of the corporation shall remain in effect during any emergency, and upon its termination the emergency bylaws shall cease to be operative.

(f) Unless otherwise provided in emergency bylaws, notice of any meeting of the board of directors during such an emergency may be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

(g) To the extent required to constitute a quorum at any meeting of the board of directors during such an emergency, and unless otherwise provided in emergency bylaws, the officers of the corporation who are present shall be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

(h) Nothing contained in this section shall be deemed exclusive of any other provisions for emergency powers consistent with other sections of this ~~aet code~~ which have been or may be adopted by corporations created under the provisions of this ~~aet code~~.

Sec. 22. K.S.A. 17-6101 is hereby amended to read as follows: 17-6101. (a) In addition to the powers enumerated in K.S.A. 17-6102, and amendments thereto, every corporation, its officers, directors, and stockholders shall possess and may exercise all the powers and privileges granted by this ~~aet code~~ or by any other law or by its articles of incorporation, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purposes set forth in its articles of incorporation.

(b) Every corporation shall be governed by the provisions and be subject to the restrictions and liabilities contained in this ~~aet code~~.

Sec. 23. K.S.A. 17-6102 is hereby amended to read as follows: 17-6102. Every ~~domestic corporation subject to the provisions of this act created under this code~~ shall have power to:

~~(1)~~ (a) Have perpetual succession by its corporate name, unless a limited period of duration is stated in its articles of incorporation;

~~(2)~~ (b) sue and be sued in all courts and participate, as a party or otherwise, in any judicial, administrative, arbitrative or other proceeding, in its corporate name;

~~(3)~~ (c) have a corporate seal, which may be altered at pleasure, and use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

~~(4)~~ (d) purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated, and to sell, convey, lease, exchange, transfer or otherwise dispose of, or mortgage or pledge, all or any of its property and assets, or any interest therein, wherever situated;

~~(5)~~ (e) appoint such officers and agents as the business of the corporation requires and to pay or otherwise provide for them suitable compensation;

~~(6)~~ (f) adopt, amend and repeal bylaws;

~~(7)~~ (g) wind up and dissolve itself in the manner provided in this ~~act~~ code;

~~(8)~~ (h) conduct its business, carry on its operations and have offices and exercise its powers within or without this state;

~~(9)~~ (i) make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war or other national emergency in aid thereof;

~~(10)~~ (j) be an incorporator, promoter or manager of other corporations of any type or kind;

~~(11)~~ (k) participate with others in any corporation, partnership, limited partnership, joint venture or other association of any kind, or in any transaction, undertaking or arrangement which the participating corporation would have power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to others;

~~(12)~~ (l) transact any lawful business which the corporation's board of directors shall find to be in aid of governmental authority;

~~(13)~~ (m) make contracts, including contracts of guaranty and suretyship, incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage, pledge or other encumbrance of all or any of its property, franchises and income, and make contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion or attainment of the business of: ~~(A)~~ (1) A corporation all of the outstanding stock of which is owned, directly or indirectly, by the contracting corporation; ~~(B)~~ (2) a corporation which owns, directly or indirectly, all of the outstanding stock of the contracting corporation; or ~~(C)~~ (3) a corporation all of the outstanding stock of which is owned, directly or indirectly, by a corporation which owns, directly or indirectly, all of the outstanding stock of the contracting corporation, which contracts of guaranty and suretyship shall be deemed to be necessary or convenient to the conduct, promotion or attainment of the business of the contracting corporation, and make other contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion or attainment of the business of the contracting corporation;

~~(14)~~ (n) lend money for its corporate purposes, invest and reinvest its funds and take, hold and deal with real and personal property as security for the payment of funds so loaned or invested;

~~(15)~~ (o) pay ~~pension~~ pensions and establish and carry out pension, profit sharing, stock option, stock purchase, stock bonus, retirement, benefit, incentive and compensation plans, trusts and provisions for any or all of its directors, officers, and

employees, and for any or all of the directors, officers, and employees of its subsidiaries;

~~(16)~~ (p) provide insurance for its benefit on the life of any of its directors, officers or employees, or on the life of any stockholder for the purpose of acquiring at such stockholder's death shares of its stock owned by such stockholder; and

~~(17)~~ (q) renounce, in its articles of incorporation or by action of its board of directors, any interest or expectancy of the corporation in, or in being offered an opportunity to participate in, specified business opportunities or specified classes or categories of business opportunities that are presented to the corporation or one or more of its officers, directors or stockholders.

Sec. 24. K.S.A. 17-6104 is hereby amended to read as follows: 17-6104. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a stockholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may ~~set aside and enjoin the performance of such contract~~, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained;

(b) in a proceeding by the corporation, whether acting directly or through a receiver, trustee or other legal representative, or through stockholders in a representative suit, against an incumbent or former officer or director of the corporation, for loss or damage due to ~~his such incumbent or former officer's or director's~~ unauthorized act; and

(c) in a proceeding by the attorney general to dissolve the corporation, or to enjoin the corporation from the transaction of unauthorized business.

Sec. 25. K.S.A. 17-6106 is hereby amended to read as follows: 17-6106. (a) ~~Unless authority is expressly conferred by another law of this state,~~ No corporation organized under this code shall possess the power of issuing bills, notes or other evidences of debt for circulation as money, or the power of carrying on the business of receiving deposits of money.

(b) Corporations organized under this code to buy, sell and otherwise deal in notes, open accounts and other similar evidences of debt, or to loan money and to take notes, open accounts and other similar evidences of debt as collateral security therefor, shall not be deemed to be engaging in the business of banking.

Sec. 26. K.S.A. 17-6301 is hereby amended to read as follows: 17-6301. (a) The business and affairs of every corporation organized under this code shall be managed by or under the direction of a board of directors, except as may be otherwise provided in this ~~act~~ code or in the articles of incorporation. If any such provision is made in the

articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this ~~act~~ code shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation.

(b) The board of directors of a corporation shall consist of one or more members, each of whom shall be a natural person. The number of directors shall be fixed by, or in the manner provided in, the bylaws, unless the articles of incorporation ~~establish~~ fixes the number of directors, in which case a change in the number of directors shall be made only by amendment of the articles. Directors need not be stockholders unless so required by the articles of incorporation or the bylaws. The articles of incorporation or bylaws may prescribe other qualifications for directors. Each director shall hold office until ~~a such director's~~ successor is elected and qualified or until such director's earlier resignation or removal. Any director may resign at any time upon notice given in writing or by electronic transmission to the corporation. A resignation is effective when the resignation is delivered unless the resignation specifies a later effective date or an effective date determined upon the happening of an event or events. A resignation which is conditioned upon the director failing to receive a specified vote for reelection as a director may provide that it is irrevocable. A majority of the total number of directors shall constitute a quorum for the transaction of business unless the articles of incorporation or the bylaws require a greater number. Unless the articles of incorporation provide otherwise, the bylaws may provide that a number less than a majority shall constitute a quorum which in no case shall be less than  $\frac{1}{3}$  of the total number of directors except that, when a board of one director is authorized under ~~the provisions of this section,~~ then one director shall constitute a quorum. The vote of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors; unless the articles of incorporation or the bylaws shall require a vote of a greater number.

(c) (1) All corporations incorporated prior to July 1, 2004, shall be governed by ~~paragraph subsection (c)(2),~~ except that any such corporation may by a resolution adopted by a majority of the whole board elect to be governed by ~~paragraph subsection (c)(3),~~ in which case ~~paragraph subsection (c)(2)~~ shall not apply to such corporation. All corporations incorporated on or after July 1, 2004, shall be governed by ~~paragraph subsection (c)(3).~~

(2) The board of directors may ~~designate,~~ by resolution passed by a majority of the whole board, designate one or more committees, each committee to consist of one or more of the directors of the corporation. The board may designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. The bylaws may provide that, in the absence or disqualification of a member of a committee, the member or members ~~thereof~~ present at any meeting and not disqualified from voting, whether or not ~~such the~~ member or members present constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of any such absent or disqualified member. Any such committee, to the extent provided in the resolution of the board of directors, or in the bylaws of the corporation, shall have and may exercise all the powers and authority of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it; and, but no such committee shall have the power or authority in reference to: (A) Amending the articles of incorporation, except that a

committee may, to the extent authorized in the resolution or resolutions providing for the issuance of shares of stock adopted by the board of directors as provided in K.S.A. 17-6401, and amendments thereto, ~~may~~ fix the designations and any of the preferences or rights of such shares relating to dividends, redemption, dissolution, any distribution of assets of the corporation or the conversion into, or the exchange of such shares for, shares of any other class or classes or any other series of the same or any other class or classes of stock of the corporation or fix the number of shares of any series of stock or authorize the increase or decrease of the shares of any series; ~~but no such committee shall have the power or authority in reference to amending the articles of incorporation;~~ (B) adopting an agreement of merger or consolidation pursuant to K.S.A. 17-6701 or 17-6702, and amendments thereto, recommending to the stockholders the sale, lease or exchange of all or substantially all of the corporation's property and assets, recommending to the stockholders a dissolution of the corporation or a revocation of a dissolution, or amending the bylaws of the corporation; ~~and, or~~ (C) unless the resolution, bylaws or articles of incorporation expressly so ~~provide~~ provides, no such committee shall have the power or authority to declare a dividend or, to authorize the issuance of stock or to adopt a certificate of ownership and merger pursuant to K.S.A. 17-6703, and amendments thereto.

(3) The board of directors may designate one or more committees, each committee to consist of one or more of the directors of the corporation. The board may designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. The bylaws may provide that in the absence or disqualification of a member of a committee, the member or members present at any meeting and not disqualified from voting, whether or not such member or members constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of any such absent or disqualified member. Any such committee, to the extent provided in the resolution of the board of directors, or in the bylaws of the corporation, shall have and may exercise all the powers and authority of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it; ~~but no such committee shall have the power or authority in reference to the following matters:~~ (A) Approving or adopting, or recommending to the stockholders, any action or matter, other than the election or removal of directors, expressly required by this ~~act~~ code to be submitted to stockholders for approval; or (B) adopting, amending or repealing any bylaw of the corporation.

(4) Unless otherwise provided in the articles of incorporation, the bylaws or the resolution of the board of directors designating the committee, a committee may create one or more subcommittees, each subcommittee to consist of one or more members of the committee, and delegate to a subcommittee any or all of the powers and authority of the committee.

(d) The directors of any corporation organized under this code may be divided into one, two or three classes by the articles of incorporation or by an initial bylaw, or by a bylaw adopted by a vote of the stockholders; the term of office of those of the first class to expire at the first annual meeting next ensuing held after such classification becomes effective; of the second class one year thereafter; of the third class two years thereafter; and at each annual election held after such classification ~~and election becomes effective~~, directors shall be chosen for a full term, as the case may be, to succeed those whose

terms expire. The articles of incorporation or bylaw provision dividing the directors into classes may authorize the board of directors to assign members of the board already in office to such classes at the time such classification becomes effective. The articles of incorporation may confer upon holders of any class or series of stock the right to elect one or more directors who shall serve for such term, and have such voting powers; as shall be stated in the articles of incorporation. The terms of office and voting powers of the directors elected ~~in the manner so provided in the articles of incorporation~~ separately by the holders of any class or series of stock may be greater than or less than those of any other director or class of directors. In addition, the articles of incorporation may confer upon one or more directors, whether or not elected separately by the holders of any class or series of stock, voting powers greater than or less than those of other directors. Any such provision conferring greater or lesser voting power shall apply to voting in any committee or subcommittee, unless otherwise provided in the articles of incorporation or bylaws. If the articles of incorporation provide that one or more directors ~~elected by the holders of a class or series of stock~~ shall have more or less than one vote per director on any matter, every reference in this ~~act~~ code to a majority or other proportion of the directors shall refer to a majority or other proportion of the votes of ~~such the~~ directors.

(e) A member of the board of directors ~~of any corporation~~, or a member of any committee designated by the board of directors, shall ~~be fully protected~~, in the performance of such member's duties, be fully protected in relying in good faith upon the records of the corporation and upon such information, opinions, reports or statements presented to the corporation by any of the corporation's officers or employees, or committees of the board of directors, or by any other person as to matters the member reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the corporation.

(f) Unless otherwise restricted by the articles of incorporation or bylaws, any action required or permitted to be taken at any meeting of the board of directors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing or by electronic transmission, and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form. Any person, whether or not then a director, may provide, whether through instruction to an agent or otherwise, that a consent to action will be effective at a future time, including a time determined upon the happening of an event, no later than 60 days after such instruction is given or such provision is made and such consent shall be deemed to have been given for purposes of this subsection at such effective time so long as such person is then a director and did not revoke the consent prior to such time. Any such consent shall be revocable prior to its becoming effective.

(g) Unless otherwise restricted by the articles of incorporation or bylaws, the board of directors of any corporation organized under this ~~act~~ code may hold its meetings, and have an office or offices, outside of this state.

(h) Unless otherwise restricted by the articles of incorporation or bylaws, the board of directors shall have the authority to fix the compensation of directors.

(i) Unless otherwise restricted by the articles of incorporation or bylaws, members

of the board of directors of any corporation, or any committee designated by ~~such the~~ board, may participate in a meeting of such board, or committee by means of conference telephone or ~~similar other~~ communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at ~~such the~~ meeting.

(j) The articles of incorporation of any nonstock corporation ~~organized under this act which is not authorized to issue capital stock~~ may provide that less than  $\frac{1}{3}$  of the members of the governing body may constitute a quorum thereof and may otherwise provide that the business and affairs of the corporation shall be managed in a manner different from that provided in this section. Except as may be otherwise provided by the articles of incorporation, ~~the provisions of~~ this section shall apply to such a corporation, and; when so applied, all references to: (1) The board of directors, to members thereof and to stockholders shall be deemed to refer to the governing body of the corporation, the members thereof and the members of the corporation, respectively; and (2) stock, capital stock or shares thereof shall be deemed to refer to memberships of a nonprofit nonstock corporation and to membership interests of any other nonstock corporation.

(k) Any ~~number of directors~~ director or the entire board of directors may be removed, with or without cause, by the holders of a majority of the ~~outstanding~~ shares then entitled to vote at an election of directors, except as follows:

(1) Unless the articles of incorporation otherwise provides, in the case of a corporation whose board is classified as provided in subsection (d), ~~shareholders~~ stockholders may effect such removal only for cause; or

(2) in the case of a corporation having cumulative voting ~~for directors~~, if less than the entire board is to be removed, no director may be removed without cause if the ~~shares voted~~ votes cast against such director's removal would be sufficient to elect such director if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which such director is a part.

Whenever the holders of any class or series are entitled to elect one or more directors by the ~~provisions of the~~ articles of incorporation, ~~the provisions of~~ this subsection shall apply, in respect to the removal without cause of a director or directors so elected, to the vote of the holders of the outstanding shares of that class or series and not to the vote of the outstanding shares as a whole.

Sec. 27. K.S.A. 17-6302 is hereby amended to read as follows: 17-6302. (a) Every corporation organized under this ~~act code~~ shall have such officers with such titles and duties as shall be stated in the bylaws or in a resolution of the board of directors which is not inconsistent with the bylaws and as may be necessary to enable it to sign instruments and stock certificates which comply with ~~subsection (a)(2) of K.S.A. 17-6003 and K.S.A. 17-6408 and K.S.A. 2015 Supp. 17-7908(a)(2),~~ and amendments thereto. One of the officers shall have the duty to record the proceedings of the meetings of the stockholders and directors in a book to be kept for that purpose. Any number of offices may be held by the same person unless the articles of incorporation or bylaws otherwise provide.

(b) Officers shall be chosen in such manner and shall hold their offices for such terms as are prescribed by the bylaws or determined by the board of directors or other governing body. Each officer shall hold ~~the~~ office until such officer's successor is elected and qualified or until such officer's earlier resignation or removal. Any officer

may resign at any time upon written notice ~~given in writing or by electronic transmission~~ to the corporation.

(c) The corporation may secure the fidelity of any or all of its officers or agents by bond or otherwise.

(d) A failure to ~~select a corporation's officers in accordance with the requirements of the bylaws or a resolution adopted by the board of directors or other governing body~~ elect officers shall not dissolve or otherwise affect ~~a~~ the corporation.

(e) Any vacancy occurring in any office of the corporation by death, resignation, removal or otherwise shall be filled as the bylaws provide. In the absence of such provision, the vacancy shall be filled by the board of directors or other governing body.

Sec. 28. K.S.A. 17-6304 is hereby amended to read as follows: 17-6304. (a) No contract or transaction between a corporation and one or more of its directors or officers, or between a corporation and any other corporation, partnership, association or other organization in which one or more of its directors or officers, are directors or officers, or have a financial interest, shall be void or voidable solely for this reason, or solely because the director or officer is present at or participates in the meeting of the board or committee ~~thereof~~ which authorizes the contract or transaction, or solely because ~~his or their~~ any such director's or officer's votes are counted for such purpose, if:

(1) The material facts as to ~~his the director's or officer's~~ relationship or interest and as to the contract or transaction are disclosed or are known to the board of directors or the committee, and the board or committee in good faith ~~authorized~~ authorizes the contract or transaction by the affirmative votes of a majority of the disinterested directors, even though the disinterested directors be less than a quorum; ~~or~~

(2) the material facts as to ~~his the director's or officer's~~ relationship or interest and as to the contract or transaction are disclosed or are known to the ~~shareholders~~ stockholders entitled to vote thereon, and the contract or transaction is specifically approved in good faith by vote of the ~~shareholders~~ stockholders; or

(3) the contract or transaction is fair as to the corporation as of the time it is authorized, approved or ratified by the board of directors, a committee ~~thereof~~ or the ~~shareholders~~ stockholders.

(b) Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or of a committee which ~~authorized~~ authorizes the contract or transaction.

Sec. 29. K.S.A. 2015 Supp. 17-6305 is hereby amended to read as follows: 17-6305. (a) A corporation shall have power to indemnify any person who was or is a party; or is threatened to be made a party; to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the corporation, by reason of the fact that ~~such the~~ person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by ~~such the~~ person in connection with such action, suit or proceeding, including attorney fees, if ~~such~~ if the person acted in good faith and in a manner ~~such the~~ person reasonably believed to be in or not opposed to the best interests of the corporation; and, with respect to any criminal action or proceeding, had no

reasonable cause to believe ~~such the~~ person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which ~~such the~~ person reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that ~~such the~~ person's conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party, or is threatened to be made a party; to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that ~~such the~~ person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including attorney fees, actually and reasonably incurred by ~~such the~~ person in connection with the defense or settlement of such action or suit; ~~including attorney fees, if such if~~ the person acted in good faith and in a manner ~~such the~~ person reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the corporation unless and only to the extent that the district court or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the district court or such other court shall deem proper.

(c) To the extent that a present or former director, ~~or officer, employee or agent~~ of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, ~~such director, officer, employee or agent~~ person shall be indemnified against expenses, including attorney fees, actually and reasonably incurred by such person in connection therewith, ~~including attorney fees~~.

(d) Any indemnification under subsections (a) and (b), unless ordered by a court, shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the present or former director, officer, employee or agent is proper in the circumstances because ~~such director, officer, employee or agent~~ the person has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made, with respect to a person who is a director or officer of the corporation at the time of such determination: (1) By a majority vote of the directors who ~~were~~ are not parties to such action, suit or proceeding, even though less than a quorum; (2) by a committee of such directors designated by majority vote of such directors, even though less than a quorum; (3) if there are no such directors, or if such directors so direct, by independent legal counsel in a written opinion; or (4) by the stockholders.

(e) Expenses, including attorney fees, incurred by ~~a director or officer~~ an officer or director of the corporation in defending ~~a any~~ civil, criminal, administrative or investigative action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of ~~the such~~ director or officer to repay such amount if it ~~is~~ shall ultimately be

determined that ~~the director or officer~~ such person is not entitled to be indemnified by the corporation as authorized in this section. Such expenses, including attorney fees, incurred by former directors and officers or ~~incurred by~~ other employees and agents of the corporation or by persons serving at the request of the corporation as directors, officers, employees or agents of another corporation, partnership, joint venture, trust or other enterprise may be so paid upon such terms and conditions, if any, as the ~~board of directors~~ corporation deems appropriate.

(f) The indemnification and advancement of expenses provided by, or granted pursuant to, the other subsections of this section shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any bylaw, agreement, vote of stockholders or disinterested directors or otherwise, both as to action in ~~a~~ such person's official capacity and as to action in another capacity while holding such office. A right to indemnification or to advancement of expenses arising under a provision of the articles of incorporation or a bylaw shall not be eliminated or impaired by an amendment to ~~such provision~~ the articles of incorporation or the bylaws after the occurrence of the act or omission that is the subject of the civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the corporation would have the power to indemnify such person against such liability under ~~the provisions of~~ this section.

(h) For purposes of this section, references to "the corporation" shall include, in addition to the resulting corporation, any constituent corporation ~~(including any constituent of a constituent)~~, absorbed in a consolidation or merger which, if its separate existence had continued, would have had power and authority to indemnify its directors, officers and employees or agents, so that any person who is or was a director, officer, employee or agent of such constituent corporation, or is or was serving at the request of such constituent corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall stand in the same position under this section with respect to the resulting or surviving corporation as such person would have with respect to such constituent corporation if its separate existence had continued.

(i) For purposes of this section, references to "other enterprises" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to any employee benefit plan; and references to "serving at the request of the corporation" shall include any service as a director, officer, employee or agent of the corporation which imposes duties on, or involves services by, such director, officer, employee or agent with respect to an employee benefit plan, its participants or beneficiaries; and a person who acted in good faith and in a manner such person reasonably believed to be in the interest of the participants and beneficiaries of an

employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

(j) The indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(k) The district court is hereby vested with jurisdiction to hear and determine all actions for advancement of expenses or indemnification brought under this section or under any bylaw, agreement, vote of stockholders or disinterested directors, or otherwise. The district court may summarily determine a corporation's obligation to advance expenses, including attorney fees.

Sec. 30. K.S.A. 17-6401 is hereby amended to read as follows: 17-6401. (a) Every corporation may issue one or more classes of stock or one or more series of stock within any class thereof, any or all of which classes may be of stock with par value or stock without par value and which classes or series may have such voting powers, full or limited, or no voting powers, and such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated and expressed in the articles of incorporation or of any amendment thereto, or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors pursuant to authority expressly vested in it by the articles of incorporation. Any of the voting powers, designations, preferences, rights and qualifications, limitations or restrictions of any such class or series of stock may be made dependent upon facts ascertainable outside the articles of incorporation or of any amendment thereto, or outside the resolution or resolutions providing for the issue of such stock adopted by the board of directors pursuant to authority expressly vested in it by the articles of incorporation, provided that the manner in which such facts shall operate upon the voting powers, designations, preferences, rights and qualifications, limitations or restrictions of such class or series of stock is clearly and expressly set forth in the articles of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors. The term "facts," as used in this subsection, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation. The power to increase or decrease or otherwise adjust the capital stock as provided in this ~~act~~ code shall apply to all or any such classes of stock.

(b) ~~The~~ Any stock of any class or series may be made subject to redemption by the corporation at its option or at the option of the holders of such stock or upon the happening of a specified event. Immediately following any such redemption the corporation shall have outstanding one or more shares of one or more classes or series of stock, which share, or shares together, shall have full voting powers. Notwithstanding the foregoing limitation:

(1) Any stock of a regulated investment company registered under the investment company act of 1940-~~15~~ U.S.C. §§ 80a-1 et seq.), and amendments thereto, may be made subject to redemption by the corporation at its option or at the option of the holders of such stock; and

(2) any stock of a corporation which holds directly or indirectly a license or franchise from a governmental agency to conduct its business or is a member of a national securities exchange, which license, franchise or membership is conditioned

upon some or all of the holders of its stock possessing prescribed qualifications, may be made subject to redemption by the corporation to the extent necessary to prevent the loss of such license, franchise or membership or to reinstate it.

Any stock which may be made redeemable under this section may be redeemed for cash, property or rights, including securities of the same or another corporation, at such time or times, price or prices, or rate or rates, and with such adjustments, as shall be stated in the articles of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors pursuant to subsection (a).

(c) The holders of preferred or special stock of any class or of any series thereof shall be entitled to receive dividends at such rates, on such conditions and at such times as shall be stated in the articles of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors as hereinabove provided, payable in preference to, or in such relation to, the dividends payable on any other class or classes or of any other series of stock, and cumulative or noncumulative as shall be so stated and expressed. When dividends upon the preferred and special stocks, if any, to the extent of the preference to which such stocks are entitled, shall have been paid or declared and set apart for payment, a dividend on the remaining class or classes or series of stock may then be paid out of the remaining assets of the corporation available for dividends as elsewhere in this ~~act~~ code provided.

(d) The holders of the preferred or special stock of any class or of any series thereof shall be entitled to such rights upon the dissolution of, or upon any distribution of the assets of, the corporation as shall be stated in the articles of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors ~~as hereinabove provided.~~

(e) At the option of either the holder or the corporation or upon the happening of a specified event, any stock of any class or of any series thereof may be made convertible into or exchangeable for shares of any other class or classes or any other series of the same or any other class or classes of stock of the corporation, at such price or prices or at such rate or rates of exchange and with such adjustments as shall be stated in the articles of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors ~~as hereinabove provided.~~

(f) If any corporation shall be authorized to issue more than one class of stock or more than one series of any class, the powers, designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences or rights shall be set forth in full or summarized on the face or back of the certificate which the corporation shall issue to represent certificated shares of such class or series of stock. Except as otherwise provided in K.S.A. 17-6426, and amendments thereto, in lieu of the foregoing requirements, there may be set forth on the face or back of the certificate which the corporation issues to represent such class or series of stock, a statement that the corporation will furnish without charge to each stockholder who so requests the powers, designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences or rights, or both. Within a reasonable time after the issuance or transfer of uncertificated stock, the corporation shall send to the registered owner thereof a written notice containing the information required to be set forth or stated on certificates pursuant to this section or K.S.A. 17-6406, ~~subsection (a) of K.S.A. 17-~~

6426(a) or ~~subsection (a)~~ of K.S.A. 17-6508(a), and amendments thereto, or with respect to this section a statement that the corporation will furnish without charge to each stockholder who so requests the powers, designations, preferences and relative participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences or rights, or both. Except as otherwise expressly provided by law, the rights and obligations of the holders of uncertificated stock and the rights and obligations of the holders of certificates representing stock of the same class and series shall be identical.

(g) When any corporation desires to issue any shares of stock of any class or of any series of any class of which the powers, designations, preferences and relative, participating, optional or other rights, if any, or the qualifications, limitations or restrictions thereof, if any, shall not have been set forth in the articles of incorporation or in any amendment thereto, but shall be provided for in a resolution or resolutions adopted by the board of directors pursuant to authority expressly vested in it by the articles of incorporation or any amendment thereto, a certificate of designations setting forth a copy of such resolution or resolutions and the number of shares of stock of such class or series shall be executed ~~and in accordance with K.S.A. 2015 Supp. 17-7908, and amendments thereto,~~ filed in accordance with K.S.A. ~~17-6003 2015 Supp. 17-7910,~~ and amendments thereto, and shall become effective in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto. Unless otherwise provided in any such resolution or resolutions, the number of shares of stock of any such series to which such resolution or resolutions apply may be increased, but not above the total number of authorized shares of the class, or decreased, but not below the number of shares thereof then outstanding, by a certificate likewise executed and filed setting forth a statement that a specified increase or decrease had been authorized and directed by a resolution or resolutions likewise adopted by the board of directors. In case the number of such shares shall be decreased, the number of shares specified in the certificate shall resume the status which they had prior to the adoption of the first resolution or resolutions. When ~~no share shares~~ of any such class or series are outstanding, either because none were issued or because no issued shares of any such class or series remain outstanding, a certificate setting forth a resolution or resolutions adopted by the board of directors that none of the authorized shares of such class or series are outstanding and that none will be issued, subject to the certificate of designations previously filed with respect to such class or series, may be executed in accordance with K.S.A. 2015 Supp. 17-7908, and amendments thereto, and filed in accordance with K.S.A. ~~17-6003 2015 Supp. 17-7910,~~ and amendments thereto. When such certificate becomes effective, it shall have the effect of eliminating from the articles of incorporation all ~~reference matters set forth in the certificate of designations with respect to~~ such class or series of stock. Unless otherwise provided in the articles of incorporation, if no shares of stock have been issued of a class or series of stock established by a resolution of the board of directors, the voting powers, designations, preferences and relative, participating, optional or other rights, if any, or the qualifications, limitations or restrictions thereof, may be amended by a resolution or resolutions adopted by the board of directors. A certificate which: (1) States that no shares of the class or series have been issued; (2) sets forth a copy of the resolution or resolutions; and (3) if the designation of the class or series is being changed, indicates the original designation and the new designation; shall be executed ~~and filed~~ in accordance with K.S.A. 2015 Supp. 17-7908, and amendments

thereto, filed in accordance with K.S.A. 2015 Supp. 17-7910, and amendments thereto, and shall become effective in accordance with K.S.A. 17-6003 2015 Supp. 17-7911, and amendments thereto. When any certificate filed under this subsection becomes effective, it shall have the effect of amending the articles of incorporation, except that neither the filing of such certificate nor the filing of restated articles of incorporation pursuant to K.S.A. 17-6605, and amendments thereto, shall prohibit the board of directors from subsequently adopting such resolutions as authorized by this subsection.

Sec. 31. K.S.A. 17-6402 is hereby amended to read as follows: 17-6402. The consideration, as determined pursuant to ~~subsections (a) and (b)~~ of K.S.A. 17-6403 (a) and (b), and amendments thereto, for subscriptions to, or the purchase of, the capital stock to be issued by a corporation shall be paid in such form and in such manner as the board of directors shall determine. ~~In the absence of actual fraud in the transaction, the judgment of the directors as to the value of such consideration shall be conclusive.~~ The board of directors may authorize ~~shares~~ capital stock to be issued for consideration consisting of cash, any tangible or intangible property or any benefit to the corporation including cash, promissory notes, services performed, contracts for services to be performed or other securities of the corporation. ~~Before the corporation issues shares, the board of directors must determine that the consideration received or to be received for shares to be issued is adequate. That determination by the board of directors is conclusive as to the adequacy of consideration for the issuance of shares or any combination thereof. The resolution authorizing the issuance of capital stock may provide that any stock to be issued pursuant to such resolution may be issued in one or more transactions in such numbers and at such times as are set forth in or determined by or in the manner set forth in the resolution, which may include a determination or action by any person or body, including the corporation, provided the resolution fixes a maximum number of shares that may be issued pursuant to such resolution, a time period during which such shares may be issued and a minimum amount of consideration for which such shares may be issued. The board of directors may determine the amount of consideration for which shares may be issued by setting a minimum amount of consideration or approving a formula by which the amount or minimum amount of consideration is determined. The formula may include or be made dependent upon facts ascertainable outside the formula, provided the manner in which such facts shall operate upon the formula is clearly and expressly set forth in the formula or in the resolution approving the formula. In the absence of actual fraud in the transaction, the judgment of the directors as to the value of such consideration shall be conclusive.~~ The capital stock so issued shall be deemed to be fully paid and nonassessable stock ~~if: (a) The entire amount of such consideration has been received by the corporation in the form of cash, services rendered, personal property, real property, leases of real property, or a combination thereof or forms authorized by the board of directors; or (b) not less than the amount of the consideration determined to be capital pursuant to K.S.A. 17-6404, and amendments thereto, has been received by the corporation in the form or forms authorized by the board of directors and the corporation has received a binding obligation of the subscriber or purchaser to pay the balance of the subscription or purchase price; provided, however, upon receipt by the corporation of such consideration, except that nothing contained herein shall prevent the board of directors from issuing partly paid shares under K.S.A. 17-6406, and amendments thereto.~~

Sec. 32. K.S.A. 17-6404 is hereby amended to read as follows: 17-6404. Any

corporation, by resolution of its board of directors, may determine that only a part of the consideration which shall be received by the corporation for any of the shares of its capital stock which it shall issue from time to time shall be capital; but, in the event that any of the shares issued shall be shares having a par value, the amount of the part of such consideration so determined to be capital shall be in excess of the aggregate par value of the shares issued for such consideration having a par value, unless all the shares issued shall be shares having a par value, in which case the amount of the part of such consideration so determined to be capital need be only equal to the aggregate par value of such shares. In each such case, the board of directors shall specify in dollars the part of such consideration which shall be capital. If the board of directors shall not have determined what part of the consideration for such shares shall be capital—~~(+)~~: (a) At the time of issue of any shares of the capital stock of the corporation issued for cash; or—~~(2)~~ (b) within 60 days after the issue of any shares of the capital stock of the corporation issued for property other than cash, the capital of the corporation in respect of such shares shall be an amount equal to the aggregate par value of such shares having a par value, plus the amount of the consideration for such shares without par value. The amount of the consideration so determined to be capital in respect of any shares without par value shall be the stated capital of such shares. The capital of the corporation may be increased from time to time by resolution of the board of directors, directing that a portion of the net assets of the corporation in excess of the amount so determined to be capital be transferred to the capital account. The board of directors may direct that the portion of such net assets so transferred shall be treated as capital in respect of any shares of the corporation of any designated class or classes. At any given time, the excess, if any, of the net assets of the corporation over the amount so determined to be capital shall be surplus. Net assets means the amount by which total assets exceed total liabilities, but capital and surplus are not liabilities for this purpose. Notwithstanding anything in this section to the contrary, for purposes of this section and K.S.A. 17-6410 and 17-6420, and amendments thereto, the capital of any nonstock corporation shall be deemed to be zero.

Sec. 33. K.S.A. 17-6405 is hereby amended to read as follows: 17-6405. A corporation may issue, but shall not be required to issue, fractions of a share, ~~either represented by a certificate or uncertificated~~. If it does not issue fractions of a share, it shall—~~(+)~~: (a) Arrange for the disposition of fractional interests by those entitled thereto; ~~(2)~~: (b) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined; or—~~(3)~~ (c) issue scrip or warrants in registered form, either represented by a certificate or uncertificated, or in bearer form, represented by a certificate, which shall entitle the holder to receive a certificate for a full share or an uncertificated full share upon the surrender of such scrip or warrants aggregating a full share. A certificate for a fractional share or an uncertificated fractional share shall entitle the holder to exercise voting rights, to receive dividends thereon and to participate in any of the assets of the corporation in the event of liquidation, but scrip or warrants shall not so entitle the holder thereof, unless otherwise provided therein. The board of directors may cause scrip or warrants to be issued subject to the conditions that they shall become void if not exchanged for certificates representing full shares or for uncertificated full shares before a specified date, or subject to the conditions that the shares for which scrip or warrants are exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of

scrip or warrants, or subject to any other conditions which the board of directors may impose.

Sec. 34. K.S.A. 17-6407 is hereby amended to read as follows: 17-6407. (a) Subject to any provisions in the articles of incorporation, every corporation may create and issue, whether or not in connection with the issue and sale of any shares of stock or other securities of the corporation, rights or options entitling the holders thereof to ~~purchase~~ acquire from the corporation any shares of its capital stock of any class or classes, such rights or options to be evidenced by or in such instrument or instruments as shall be approved by the board of directors.

(b) The terms upon which, including the time or times, which may be limited or unlimited in duration, at or within which, and the ~~price or prices~~ consideration, including a formula by which such ~~price or prices~~ consideration may be determined, ~~at for~~ for which any such shares may be ~~purchased~~ acquired from the corporation upon the exercise of any such right or option, shall be such as shall be stated in the articles of incorporation, or in a resolution adopted by the board of directors providing for the creation and issue of such rights or options, and, in every case, shall be set forth or incorporated by reference in the instrument or instruments evidencing such rights or options. A formula by which such consideration may be determined may include or be made dependent upon facts ascertainable outside the formula, provided the manner in which such facts shall operate upon the formula is clearly and expressly set forth in the formula or in the resolution approving the formula. In the absence of actual fraud in the transaction, the judgment of the directors as to the consideration for the issuance of such rights or options and the sufficiency thereof shall be conclusive.

(c) The board of directors, by resolution adopted by the board, may authorize one or more officers of the corporation to do one or both of the following: (1) Designate officers and employees of the corporation or any of its subsidiaries to be recipients of such rights or options created by the corporation; and (2) determine the number of such rights or options to be received by such officers and employees. The resolution so authorizing such officer or officers shall specify the total number of rights or options such officer or officers may award. The board of directors may not authorize an officer to designate the officer's self as a recipient of any such rights or options.

(d) In the event that the shares of stock ~~in~~ of the corporation to be issued upon the exercise of such rights or options shall be shares having a par value, the ~~price or prices~~ consideration so to be received therefor shall not be less than the par value thereof. In case the shares of stock so to be issued shall be shares of stock without par value, the consideration therefor shall be determined in the manner provided in K.S.A. 17-6403, and amendments thereto.

Sec. 35. K.S.A. 17-6408 is hereby amended to read as follows: 17-6408. The shares of a corporation shall be represented by certificates, except that the board of directors of the corporation may provide by resolution or resolutions that some or all of any or all classes or series of its stock shall be uncertificated shares. Any such resolution shall not apply to shares represented by a certificate until such certificate is surrendered to the corporation. ~~Notwithstanding the adoption of such a resolution by the board of directors, Every holder of stock represented by certificates and upon request every holder of uncertificated shares shall be entitled to have a certificate signed by, or in the name of the corporation by the chairperson or vice-chairperson of the board of directors, or the president or vice-president, and by the treasurer or an assistant~~

treasurer, or the secretary or assistant secretary of such corporation representing the number of shares registered in certificate form. Any or all of the signatures on the certificate may be a facsimile. In the event that any officer, transfer agent or registrar who has signed or whose facsimile signature has been placed upon a certificate has ceased to be such officer, transfer agent or registrar before such certificate is issued, such certificate may be issued by the corporation with the same effect as if the person were such officer, transfer agent or registrar at the date of issue. A corporation shall not have power to issue a certificate in bearer form.

Sec. 36. K.S.A. 17-6409 is hereby amended to read as follows: 17-6409. The shares of stock in every corporation shall be deemed personal property and transferable as provided in the acts contained in article 8 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. No stock or bonds issued by any corporation organized under this code shall be taxed by this state when the same shall be owned by nonresidents of this state, or by foreign corporations. Whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer if, when the certificates are presented to the corporation for transfer or uncertificated shares are requested to be transferred, both the transferor and transferee request the corporation to do so.

Sec. 37. K.S.A. 17-6410 is hereby amended to read as follows: 17-6410. (a) Every corporation may purchase, redeem, receive, take or otherwise acquire, own and hold, sell, lend, exchange, transfer or otherwise dispose of, pledge, use and otherwise deal in and with its own shares; provided, however, that no corporation shall:

(1) Purchase or redeem its own shares of capital stock for cash or other property when the capital of the corporation is impaired or when such purchase or redemption would cause any impairment of the capital of the corporation, except that a corporation other than a nonstock corporation may purchase or redeem out of capital any of its own shares which are entitled upon any distribution of its assets, whether by dividend or in liquidation, to a preference over another class or series of its stock, or, if no shares entitled to such a preference are outstanding, any of its own shares, if such shares will be retired upon their acquisition and the capital of the corporation reduced in accordance with K.S.A. 17-6603 and 17-6604, and amendments thereto. Nothing in this subsection shall invalidate or otherwise affect a note, debenture or other obligation of a corporation given by it as consideration for its acquisition by purchase, redemption or exchange of its shares of stock if at the time such note, debenture or obligation was delivered by the corporation its capital was not then impaired or did not thereby become impaired;

(2) purchase, for more than the price at which they may then be redeemed, any of its shares which are redeemable at the option of the corporation; or

(3) (A) in the case of a corporation other than a nonstock corporation, redeem any of its shares unless their redemption is authorized by subsection (b) of K.S.A. 17-6401(b), and amendments thereto, and then only in accordance with such section and the articles of incorporation; or

(B) in the case of a nonstock corporation, redeem any of its membership interests, unless their redemption is authorized by the articles of incorporation and then only in accordance with the articles of incorporation.

(b) Nothing in this section limits or affects a corporation's right to resell any of its shares theretofore purchased or redeemed out of surplus and which have not been

retired, for such consideration as shall be fixed by the board of directors.

(c) Shares of its own capital stock belonging to the corporation or to another corporation, if a majority of the shares entitled to vote in the election of directors of such other corporation is held, directly or indirectly, by the corporation, shall neither be entitled to vote nor be counted for quorum purposes. Nothing in this section shall be construed as limiting the right of any corporation to vote stock, including but not limited to its own stock, held by it in a fiduciary capacity.

(d) Shares which have been called for redemption shall not be deemed to be outstanding shares for the purpose of voting or determining the total number of shares entitled to vote on any matter on and after the date on which written notice of redemption has been sent to holders thereof and a sum sufficient to redeem such shares has been irrevocably deposited or set aside to pay the redemption price to the holders of the shares upon surrender of certificates therefor.

Sec. 38. K.S.A. 17-6412 is hereby amended to read as follows: 17-6412. (a) When the whole of the consideration payable for shares of a corporation has not been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each holder of or subscriber for such shares shall be bound to pay on each share held or subscribed for by such holder or subscriber the sum necessary to complete the amount of the unpaid balance of the consideration for which such shares were issued or are to be issued by the corporation.

(b) The amounts which shall be payable as provided in subsection (a) ~~of this section~~ may be recovered as provided in K.S.A. 17-7101, and amendments thereto, after a writ of execution against the corporation has been returned unsatisfied as provided in such section.

(c) Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable for any unpaid portion of such consideration, but the transferor shall remain liable therefor.

(d) No person holding shares in any corporation as collateral security shall be personally liable as a stockholder, but the person pledging such shares shall be considered the holder thereof and shall be so liable. No executor, administrator, guardian, trustee or other fiduciary shall be personally liable as a stockholder, but the estate or funds held by such executor, administrator, guardian, trustee or other fiduciary in such fiduciary capacity shall be so liable.

(e) ~~Commencing with the date of~~ No liability under this section or under K.S.A. 17-7101, and amendments thereto, shall be asserted more than six years after the date of issuance of the stock or the date of the subscription upon which the assessment is sought, ~~the limitation of time prescribed by K.S.A. 60-511, and amendments thereto, shall be applicable to any liability asserted under this section or under K.S.A. 17-7101, and amendments thereto.~~

(f) In any action by a receiver or trustee of an insolvent corporation or by a judgment creditor to obtain an assessment under this section, any stockholder or subscriber for stock of the insolvent corporation may appear and contest the claim or claims of such receiver or trustee.

Sec. 39. K.S.A. 17-6413 is hereby amended to read as follows: 17-6413. The capital stock of a corporation shall be paid for in such amounts and at such times as the directors may require. From time to time, the directors may demand payment, in respect

of each share of stock not fully paid, of such sum of money as the necessities of the business may require, in the judgment of the board of directors, not exceeding in the whole the balance remaining unpaid on said stock, and such sum so demanded shall be paid to the corporation at such times and by such installments as the directors shall direct. The directors shall give written notice of the time and place of such payments to each holder of or subscriber for stock which is not fully paid at his such holder's or subscriber's last known post-office address, which notice shall be mailed at least ~~thirty~~ (30) days before the time for such payment.

Sec. 40. K.S.A. 17-6414 is hereby amended to read as follows: 17-6414. When any stockholder fails to pay any installment or call upon ~~the such~~ stockholder's stock which may have been properly demanded by the directors, at the time when such payment is due, the directors may collect the amount of any such installment or call, or any balance thereof remaining unpaid, from ~~the such~~ stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all demands then due from ~~the such~~ stockholder with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate ~~for any of the shares which are certificated therefor~~. Notice of the time and place of such sale and of the sum due on each share shall be given at least one week before the sale by advertisement in a newspaper having general circulation in the county of this state where such corporation's registered office is located, and such notice shall be mailed by the corporation to such delinquent stockholder at ~~the such~~ stockholder's last known post office address, at least 20 days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, which may be brought within the county where the corporation has its registered office, within one year from the date of the bringing of such action at law, ~~the such~~ stock and the amount previously paid in by the delinquent stockholder on the stock shall be forfeited to the corporation.

Sec. 41. K.S.A. 17-6415 is hereby amended to read as follows: 17-6415. Unless otherwise provided by the terms of the subscription, a subscription for stock of a corporation to be formed shall be irrevocable, except with the consent of all other subscribers or the corporation, for a period of six ~~(6)~~ months from its date, ~~but nothing in this section shall be construed as limiting, modifying or abrogating the defense of fraud or estoppel or any other defense available in an action for the enforcement of a contract.~~

Sec. 42. K.S.A. 17-6416 is hereby amended to read as follows: 17-6416. A subscription for stock of a corporation, whether made before or after the formation of a corporation, shall not be enforceable against a subscriber, unless in writing and signed by the subscriber or by his such subscriber's agent.

Sec. 43. K.S.A. 17-6420 is hereby amended to read as follows: 17-6420. (a) The directors of every corporation, subject to any restrictions contained in its articles of incorporation, may declare and pay dividends upon the shares of its capital stock, ~~or to its members if the corporation is a nonstock corporation~~, either: (1) Out of its surplus, as defined in and computed in accordance with K.S.A. 17-6404 and 17-6604, and amendments thereto; or (2) in case there shall be no such surplus, out of its net profits for the fiscal year in which the dividend is declared or the preceding fiscal year, or both. If the capital of the corporation, computed in accordance with K.S.A. 17-6404 and 17-6604, and amendments thereto, shall have been diminished by depreciation in the value

of its property, or by losses, or otherwise, to an amount less than the aggregate amount of the capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets, the directors of such corporation shall not declare and pay out of such net profits any dividends upon any shares of any classes of its capital stock until the deficiency in the amount of capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets shall have been repaired. Nothing in this subsection shall invalidate or otherwise affect a note, debenture or other obligation of the corporation paid by it as a dividend on shares of its stock, or any payment made thereon, if at the time such note, debenture or obligation was delivered by the corporation, the corporation had either surplus or net profits as provided in ~~clause~~ paragraph (1) or (2) from which the dividend could lawfully have been paid.

(b) Subject to any restrictions contained in its articles of incorporation, the directors of any corporation engaged in the exploitation of wasting assets, including but not limited to a corporation engaged in the exploitation of natural resources or other wasting assets, including patents, or engaged primarily in the liquidation of specific assets, may determine the net profits derived from the exploitation of such wasting assets or the net proceeds derived from such liquidation without taking into consideration the depletion of such assets resulting from lapse of time, consumption, liquidation or exploitation of such assets.

Sec. 44. K.S.A. 17-6422 is hereby amended to read as follows: 17-6422. A member of the board of directors, or a member of any committee designated by the board of directors, shall be fully protected in relying in good faith upon the records of the corporation and upon such information, opinions, reports or statements presented to the corporation by any of its officers or employees, or committees of the board of directors, or by any other person as to matters the director reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the corporation, as to the value and amount of the assets, liabilities or net profits, ~~or both~~ of the corporation or any other facts pertinent to the existence and amount of surplus or other funds from which dividends might properly be declared and paid, or with which the corporation's stock might properly be purchased or redeemed.

Sec. 45. K.S.A. 17-6425 is hereby amended to read as follows: 17-6425. Except as otherwise provided in this ~~act~~ code, the transfer of stock and the certificates ~~representing certificated and of stock which represent the stock or~~ uncertificated shares of stock shall be governed by article 8 of the uniform commercial code, as set forth in article 8 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. To the extent that any provision of this code is inconsistent with any provision of such article, this code shall be controlling.

Sec. 46. K.S.A. 17-6426 is hereby amended to read as follows: 17-6426. (a) A written restriction or restrictions on the transfer or registration of transfer of a security of a corporation, or on the amount of the corporation's securities that may be owned by ~~any securities holder or a group of securities holders~~ person or group of persons, if permitted by this section and noted conspicuously on the certificate or certificates representing the security or securities so restricted, or, in the case of uncertificated shares, contained in the notice or notices sent pursuant to ~~subsection (f)~~ of K.S.A. 17-6401 (f), and amendments thereto, may be enforced against the holder of the restricted

security or securities or any successor or transferee of the holder, including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the certificate or certificates representing the security or securities so restricted, or, in the case of uncertificated shares, contained in the notice or notices sent pursuant to ~~subsection (f)~~ of K.S.A. 17-6401~~(f)~~, and amendments thereto, a restriction, even though permitted by this section, is ineffective except against a person with actual knowledge of the restriction.

(b) A restriction on the transfer or registration of transfer of securities of a corporation, or on the amount of ~~the a~~ corporation's securities that may be owned by any ~~securities holder or a group of securities holders~~ person or group of persons, may be imposed ~~either~~ by the articles of incorporation or by the bylaws or by an agreement among any number of security holders or among such holders and the corporation. No restriction so imposed shall be binding with respect to securities issued prior to the adoption of the restriction unless the holders of the securities are parties to an agreement or voted in favor of the restriction.

(c) A restriction on the transfer or registration of transfer of securities of a corporation or on the amount of such securities that may be owned by any ~~securities holder or group of securities holders~~ person or group of persons is permitted by this section if it:

(1) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities;

(2) obligates the corporation or any holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities;

(3) requires the corporation or the holders of any class or series of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities, or to approve the amount of securities of the corporation that may be owned by any ~~securities holder or group of securities holders~~ person or group of persons;

(4) obligates the holder of the restricted securities to sell or transfer an amount of restricted securities to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, or causes or results in the automatic sale or transfer of an amount of restricted securities to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing; or

(5) prohibits or restricts the transfer of the restricted securities to, or the ownership of restricted securities by, designated persons or classes of persons or groups of persons, and such designation is not manifestly unreasonable.

(d) Any restriction on the transfer or the registration of transfer of the securities of a corporation, or on the amount of securities of a corporation that may be owned by a ~~securities holder or group of securities holders~~ person or group of persons, for any of the following purposes shall be conclusively presumed to be for a reasonable purpose:

(1) Maintaining any local, state, federal or foreign tax advantage to the corporation or its stockholders, including without limitation: (A) Maintaining the corporation's status

as an electing small business corporation under subchapter S of the United States internal revenue code, 26 U.S.C. §1371 et seq.; (B) maintaining or preserving any tax attribute, including without limitation net operating losses; or (C) qualifying or maintaining the qualification of the corporation as a real estate investment trust pursuant to the United States internal revenue code or regulations adopted pursuant to the United States internal revenue code; or (2) maintaining any statutory or regulatory advantage or complying with any statutory or regulatory requirements under applicable local, state, federal or foreign law.

(e) Any other lawful restriction on transfer or registration of transfer of securities, or on the amount of securities that may be owned by any person or group of persons, is permitted by this section.

Sec. 47. K.S.A. 17-6501 is hereby amended to read as follows: 17-6501. (a) (1) Meetings of stockholders may be held at such place, either within or without this state, as may be designated by or in the manner provided in the articles of incorporation, ~~or~~ bylaws or, if not so designated, as determined by the board of directors. If, pursuant to this subsection or the articles of incorporation or the bylaws of the corporation, the board of directors is authorized to determine the place of a meeting of stockholders, the board of directors, in its sole discretion, may determine that the meeting shall not be held at any place, but may instead be held solely by means of remote communication as authorized by ~~paragraph subsection~~ (a)(2).

(2) If authorized by the board of directors in its sole discretion, and subject to such guidelines and procedures as the board of directors may adopt, stockholders and ~~proxy holders~~ proxyholders not physically present at a meeting of stockholders may, by means of remote communication:

(A) Participate in a meeting of stockholders; and

(B) be deemed present in person and vote at a meeting of stockholders whether such meeting is to be held at a designated place or solely by means of remote communication, provided that: (i) The corporation shall implement reasonable measures to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a stockholder or ~~proxy holder~~ proxyholder; (ii) the corporation shall implement reasonable measures to provide such stockholders and ~~proxy holders~~ proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the stockholders, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with such proceedings; and (iii) if any stockholder or ~~proxy holder~~ proxyholder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action shall be maintained by the corporation.

(b) Unless directors are elected by written consent in lieu of an annual meeting as permitted by this subsection, an annual meeting of stockholders shall be held for the election of directors on a date and at a time designated by or in the manner provided in the bylaws. Stockholders, unless the articles of incorporation otherwise provide, may act by written consent to elect directors; except that, if such consent is less than unanimous, such action by written consent may be in lieu of holding an annual meeting only if all of the directorships to which directors could be elected at an annual meeting held at the effective time of such action are vacant and are filled by such action. Any other proper business may be transacted at the annual meeting.

~~(c)-(1) If the articles of incorporation or bylaws of a corporation registered under~~

~~the investment company act of 1940 so provide, the corporation is only required to hold an annual meeting in any year in which the election of directors is required to be acted upon under the investment company act of 1940.~~

~~(2) If a corporation is required under paragraph (1) to hold a meeting of stockholders to elect directors, the meeting shall be designated as the annual meeting of stockholders for that year.~~

~~(d)(1)~~ A failure to hold any annual meeting at the designated time or to elect a sufficient number of directors to conduct the business of the corporation shall not affect otherwise valid corporate acts or work a forfeiture or dissolution of the corporation, except as may be otherwise specifically provided in this ~~act~~ code. If the annual meeting for election of directors is not held on the date designated therefor or action by written consent to elect directors, in lieu of an annual meeting, has not been taken, the directors shall cause the meeting to be held as soon thereafter as is convenient. If there be a failure to hold the annual meeting or to take action by written consent to elect directors in lieu of an annual meeting for a period of 30 days after the date designated for the annual meeting, or if no date has been designated for a period of 13 months after the latest to occur of the organization of the corporation, its last annual meeting or the last action by written consent to elect directors in lieu of an annual meeting, the district court may summarily order a meeting to be held upon the application of any stockholder or director. The shares of stock represented at such meeting, either in person or by proxy, and entitled to vote thereat, shall constitute a quorum for the purpose of such meeting, notwithstanding any provision of the articles of incorporation or bylaws to the contrary. The district court may issue such orders as may be appropriate, including, without limitation, orders designating the time and place of such meeting, the record date or dates for determination of stockholders entitled to notice of the meeting and to vote at such meeting, and the form of notice of such meeting.

~~(2) If a corporation is required under paragraph (1) of subsection (e) to hold a meeting of stockholders to elect directors, the meeting shall be held no later than 120 days after the occurrence of the event requiring the meeting.~~

~~(e)(d)~~ Special meetings of the stockholders may be called by the board of directors or by such person or persons as may be authorized by the articles of incorporation or by the bylaws.

~~(f)(e)~~ All elections of directors shall be by written ballot, unless otherwise provided in the articles of incorporation. If authorized by the board of directors, such requirement of a written ballot shall be satisfied by a ballot submitted by electronic transmission, provided that any such electronic transmission must either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the stockholder or ~~proxy holder~~ proxyholder.

Sec. 48. K.S.A. 17-6502 is hereby amended to read as follows: 17-6502. (a) Unless otherwise provided in the articles of incorporation and subject to the provisions of K.S.A. 17-6503, and amendments thereto, each stockholder shall be entitled to one vote for each share of capital stock held by such stockholder. If the articles of incorporation provide for more or less than one vote for any share on any matter, every reference in this ~~act~~ code to a majority or other proportion of stock shall refer to such majority or other proportion of the votes of such stock.

(b) Each stockholder entitled to vote at a meeting of stockholders or to express consent or dissent to corporate action in writing without a meeting may authorize

another person or persons to act for the stockholder by proxy as provided in this subsection, but no such proxy shall be voted or acted upon after three years from its date, unless the proxy provides for a longer period.

(c) Without limiting the manner in which a stockholder may authorize another person or persons to act for such stockholder as proxy pursuant to subsection (b), the following shall constitute a valid means by which a stockholder may grant such authority:

(1) A stockholder may execute a writing authorizing another person or persons to act for such stockholder as proxy. Execution may be accomplished by the stockholder or the stockholder's authorized officer, director, employee or agent signing the writing or causing the stockholder's signature to be affixed to the writing by any reasonable means, including, but not limited to, facsimile signature; and

(2) a stockholder may authorize another person or persons to act for such stockholder as proxy by transmitting, or authorizing the transmission of, a ~~telegram, cablegram, or other~~ means of electronic transmission, including telephonic transmission, to the person who will be the holder of the proxy or to a proxy solicitation firm, proxy support service organization, or like agent duly authorized by the person who will ~~act as be the holder of the~~ proxy to receive the transmission, provided that any such ~~telegram, cablegram or other means of~~ electronic transmission must either set forth or be submitted with information from which it can be determined that the ~~stockholder authorized the transmission~~ electronic transmission was authorized by the stockholder. If it is determined that such electronic transmissions are valid, the inspectors or, if there are no inspectors, such other persons making that determination shall specify the information upon which they relied.

(d) A copy, facsimile telecommunication, or other reliable reproduction of the writing or transmission authorized under ~~paragraphs subsections~~ (c)(1) and (c)(2) may be substituted for the original writing or transmission for any purpose for which the original writing or transmission could be used, except that such copy, facsimile telecommunication or other reproduction shall be a complete reproduction of the entire original writing or transmission.

(e) A duly executed proxy shall be irrevocable if it states that it is irrevocable and if, and only as long as, it is coupled with an interest sufficient in law to support an irrevocable power. A proxy may be made irrevocable regardless of whether the interest with which it is coupled is an interest in the stock itself or an interest in the corporation generally.

Sec. 49. K.S.A. 17-6503 is hereby amended to read as follows: 17-6503. (a) In order that the corporation may determine the stockholders entitled to notice of ~~or to vote~~ at any meeting of stockholders or any adjournment thereof, the board of directors may fix a record date, which record date shall not precede the date upon which the resolution fixing the record date is adopted by the board of directors, and which record date shall not be more than 60 nor less than 10 days before the date of such meeting. ~~If no record is fixed by the board of directors, so fixes a date, such date shall also be the record date for determining the stockholders entitled to notice of or vote at such meeting unless the board of directors determines, at the time it fixes such record date, that a later date on or before the date of the meeting shall be the date for making such determination. If no record date is fixed by the board of directors, the record date for determining stockholders entitled to notice of and~~ to vote at a meeting of stockholders shall be at the

close of business on the day next preceding the day on which notice is given, or, if notice is waived, at the close of business on the day next preceding the day on which the meeting is held. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders shall apply to any adjournment of the meeting except that the board of directors may fix a new record date for determination of stockholders entitled to vote at the adjourned meeting, and in such case shall also fix as the record date for stockholders entitled to notice of such adjourned meeting the same or an earlier date as that fixed for determination of stockholders entitled to vote in accordance with the foregoing provisions of this subsection at the adjourned meeting.

(b) In order that the corporation may determine the stockholders entitled to consent to corporate action in writing without a meeting, the board of directors may fix a record date which record date shall not precede the date upon which the resolution fixing the record date is adopted by the board of directors, and which date shall not be more than 10 days after the date upon which the resolution fixing the record date is adopted by the board of directors. If no record date has been fixed by the board of directors, the record date for determining stockholders entitled to consent to corporate action in writing without a meeting, when no prior action by the board of directors is required by this ~~aet~~ code, shall be the first date on which a signed written consent setting forth the action taken or proposed to be taken is delivered to the corporation by delivery to its registered office in this state, its principal place of business, or an officer or agent of the corporation having custody of the book in which proceedings of meetings of stockholders are recorded. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested. If no record date has been fixed by the board of directors and prior action by the board of directors is required by this ~~aet~~ code, the record date for determining stockholders entitled to consent to corporate action in writing without a meeting shall be at the close of business on the day on which the board of directors adopts the resolution taking such prior action.

(c) In order that the corporation may determine the stockholders entitled to receive payment of any dividend or other distribution or allotment of any rights or the stockholders entitled to exercise any rights in respect of any change, conversion or exchange of stock, or for the purpose of any other lawful action, the board of directors may fix a record date, which record date shall not precede the date upon which the resolution fixing the record date is adopted, and which record date shall be not more than 60 days prior to such action. If no record date is fixed, the record date for determining stockholders for any such purpose shall be at the close of business on the day on which the board of directors adopts the resolution relating thereto.

Sec. 50. K.S.A. 17-6505 is hereby amended to read as follows: 17-6505. (a) The provisions of K.S.A. 17-6501 ~~to through~~ 17-6504 and 17-6506, and amendments thereto, shall not apply to nonstock corporations ~~not authorized to issue stock~~, except that ~~subsection (a) of K.S.A. 17-6501(a) and subsection (e) and (d) of K.S.A. 17-6502(c), (d) and (e),~~ and amendments thereto, shall apply to such corporations, and, when so applied, all references therein to: (1) Stockholders and to the board of directors shall be deemed to refer to the members and the governing body of a nonstock corporation, respectively; and (2) stock, capital stock, or shares thereof shall be deemed to refer to memberships of a nonprofit nonstock corporation and to membership interests of any other nonstock corporation.

(b) Unless otherwise provided in the articles of incorporation or the bylaws of a nonstock corporation, and subject to subsection (f), each member shall be entitled at every meeting of members to one vote on any matter submitted to a vote of members. A member may exercise such voting rights in person or by proxy, but no proxy shall be voted after three years from its date, unless the proxy provides for a longer period.

(c) Unless otherwise provided in this ~~act~~ code, the articles of incorporation or bylaws of a nonstock corporation may specify the number of members having voting power who shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the votes, ~~or portion thereof~~; that shall be necessary for, the transaction of any business. In the absence of such specification in the articles of incorporation or bylaws of a nonstock corporation;

(1) ~~One-third of the members of such corporation~~ present in person or represented by proxy after proper notice has been given shall constitute a quorum at a meeting of such members;

(2) in all matters other than the election of the governing body of the corporation, the affirmative vote of a majority of such members present in person or represented by proxy at the meeting and entitled to vote on the subject matter shall be the act of the members, unless the vote of a greater number is required by this ~~act~~ code, the articles of incorporation or bylaws;

~~(3)~~ (3) members of the governing body shall be elected by a plurality of the votes of the members of the corporation present in person or represented by proxy at the meeting and entitled to vote thereon; and

(4) where a separate vote by a class or group or classes or groups is required, a majority of the members of such class or group or classes or groups, present in person or represented by proxy, shall constitute a quorum entitled to take action with respect to that vote on that matter and, in all matters other than the election of members of the governing body, the affirmative vote of the majority of the members of such class or group or classes or groups present in person or represented by proxy at the meeting, shall be the act of such class or group or classes or groups.

~~(d)~~ (d) If the election of the governing body of any nonstock corporation shall not be held within the time period designated by the bylaws, the governing body shall cause the election to be held as soon thereafter as convenient. The failure to hold such an election within the time period shall not work any forfeiture or dissolution of the corporation, but the district court may summarily order such an election to be held upon the application of any member of the corporation. At any election pursuant to such order, the persons entitled to vote in such election who shall be present at such meeting, either in person or by proxy, shall constitute a quorum for such meeting, notwithstanding any provision of the articles of incorporation or the bylaws of the corporation to the contrary.

~~(e)~~ (e) If authorized by the governing body, any requirement of a written ballot shall be satisfied by a ballot submitted by electronic transmission, provided that any such electronic transmission must either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the member or proxy holder.

(f) Except as otherwise provided in the articles of incorporation, in the bylaws, or by resolution of the governing body, the record date of any meeting or corporate action shall be deemed to be the date of such meeting or corporate action, except that no

record date may precede any action by the governing body fixing such record date.

Sec. 51. K.S.A. 17-6506 is hereby amended to read as follows: 17-6506. Subject to the provisions of this ~~act code~~ with respect to the vote that shall be required for a specified action, the articles of incorporation or bylaws of any corporation authorized to issue stock may specify the number of shares or the amount of other securities, or both, having voting power, the holders of which shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the votes that shall be necessary for, the transaction of any business, but in no event shall a quorum consist of holders of less than  $\frac{1}{3}$  of the shares entitled to vote at the meeting, except that, where a separate vote by the holders of ~~a class or series or classes or series~~ one or more than one class or series is required, a quorum shall consist of no less than  $\frac{1}{3}$  of the holders of the shares of such class or series ~~or classes or series~~. In the absence of such specification in the articles of incorporation or bylaws of the corporation:

(a) The holders of a majority of the shares entitled to vote, present in person or represented by proxy, shall constitute a quorum at a meeting of stockholders;

(b) in all matters other than the election of directors, the affirmative vote of the holders of a majority of shares who are present in person or represented by proxy at the meeting and entitled to vote on the subject matter shall be the act of the stockholders;

(c) directors shall be elected by a plurality of the votes of the shares present in person or represented by proxy at the meeting and entitled to vote on the election of directors; and

(d) where a separate vote by ~~a class or classes or series~~ one or more than one class or series is required, the holders of a majority of the outstanding shares of such class or ~~classes or series~~, present in person or represented by proxy, shall constitute a quorum entitled to take action with respect to that vote on that matter and, in all matters other than the election of directors, the affirmative vote of the holders of a majority of shares of such class or ~~classes or series~~ who are present in person or represented by proxy at the meeting shall be the act of such class or ~~classes or series~~. A bylaw amendment adopted by the stockholders which specifies the votes that shall be necessary for the election of directors shall not be further amended or repealed by the board of directors.

Sec. 52. K.S.A. 17-6508 is hereby amended to read as follows: 17-6508. (a) One or more stockholders, by agreement in writing, may deposit capital stock of an original issue with or transfer capital stock to any person or persons, or entity or entities authorized to act as trustee, for the purpose of vesting in such person or persons, entity or entities, who may be designated voting trustee, or voting trustees, the right to vote thereon for any period of time determined by such agreement, upon the terms and conditions stated in such agreement. The agreement may contain any other lawful provisions not inconsistent with such purpose. After the filing delivery of a copy of the agreement in to the registered office of the corporation in this state or the principal place of business of the corporation, which copy shall be open to the inspection of any stockholder of the corporation, or any beneficiary of the trust under the agreement, daily during business hours, certificates of stock or uncertificated stock shall be issued to the voting trustee or trustees to represent any stock of an original issue so deposited with such voting trustee or trustees, and any certificates of stock or uncertificated stock so transferred to the voting trustee or trustees shall be surrendered and canceled and new certificates or uncertificated stock therefor shall be issued to the voting trustee or trustees. In the certificates so issued, if any, it shall be stated that they are issued

pursuant to such agreement, or in the case of uncertificated shares, contained in the notice sent pursuant to ~~subsection (f)~~ of K.S.A. 17-6401~~(f)~~, and amendments thereto, and that fact shall also be stated in the stock ledger of the corporation. The voting trustee or trustees may vote the stock so issued or transferred during the period specified in the agreement. Stock standing in the name of the voting trustee or trustees may be voted either in person or by proxy, and in voting the stock, the voting trustee or trustees shall incur no responsibility as stockholder, trustee or otherwise, except for such voting trustee's or trustees' individual malfeasance. In any case where two or more persons or entities are designated as voting trustees, and the right and method of voting any stock standing in their names at any meeting of the corporation are not fixed by the agreement appointing the trustees, the right to vote the stock and the manner of voting it at the meeting shall be determined by a majority of the trustees, or if they be equally divided as to the right and manner of voting the stock in any particular case, the vote of the stock in such case shall be divided equally among the trustees.

(b) Any amendment to a voting trust agreement shall be made by a written agreement, a copy of which shall be ~~filed in~~ delivered to the registered office of the corporation in this state or the principal place of business of the corporation.

(c) An agreement between two or more stockholders, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the shares held by them shall be voted as provided by the agreement, or as the parties may agree, or as determined in accordance with a procedure agreed upon by them.

(d) This section shall not be deemed to invalidate any voting or other agreement among stockholders or any irrevocable proxy ~~which is not otherwise illegal~~.

Sec. 53. K.S.A. 17-6509 is hereby amended to read as follows: 17-6509. (a) The officer who has charge of the stock ledger of a corporation shall prepare and make, at least 10 days before every meeting of stockholders, a complete list of the stockholders entitled to vote at the meeting, except that if the record date for determining the stockholders entitled to vote is less than 10 days before the meeting date, the list shall reflect the stockholders entitled to vote as of the 10<sup>th</sup> day before the meeting date, arranged in alphabetical order, and showing the address of each stockholder and the number of shares registered in the name of each stockholder. Nothing contained in this section shall require the corporation to include electronic mail addresses or other electronic contact information on such list. Such list shall be open to the examination of any stockholder, for any purpose germane to the meeting for a period of at least 10 days prior to the meeting: (1) On a reasonably accessible electronic network, provided that the information required to gain access to such list is provided with the notice of the meeting; or (2) during ordinary business hours, at the principal place of business of the corporation. In the event that the corporation determines to make the list available on an electronic network, the corporation may take reasonable steps to ensure that such information is available only to stockholders of the corporation. If the meeting is to be held at a place, then the list shall be produced and kept at the time and place of the meeting during the whole time thereof, and may be inspected by any stockholder who is present. If the meeting is to be held solely by means of remote communication, then the list shall also be open to the examination of any stockholder during the whole time of the meeting on a reasonably accessible electronic network, and the information required to access such list shall be provided with the notice of the meeting.

(b) ~~Upon the willful neglect or refusal of the directors to produce such a list at any~~

~~meeting for the election of directors held at a place, or to open such a list to examination on a reasonably accessible electronic network during any meeting for the election of directors held solely by means of remote communication, they shall be ineligible for election to any office at such meeting. If the corporation, or an officer or agent thereof, refuses to permit examination of the list by a stockholder, such stockholder may apply to the district court for an order to compel the corporation to permit such examination. The burden of proof shall be on the corporation to establish that the examination such stockholder seeks is for a purpose not germane to the meeting. The court may summarily order the corporation to permit examination of the list upon such conditions as the court may deem appropriate, and may make such additional orders as may be appropriate, including, without limitation, postponing the meeting or voiding the results of the meeting.~~

(c) The stock ledger shall be the only evidence as to who are the stockholders entitled by this section to examine the list required by this section or to vote in person or by proxy at any meeting of stockholders.

Sec. 54. K.S.A. 17-6510 is hereby amended to read as follows: 17-6510. (a) As used in this section:

(1) "Stockholder" means a holder of record of stock in a stock corporation, or a person who is the beneficial owner of shares of such stock held either in a voting trust or by a nominee on behalf of such person, ~~and also a member of a nonstock corporation as reflected on the records of the nonstock corporation;~~ (2) ~~"list of stockholders" includes lists of members in a nonstock corporation;~~

~~(3) (2)~~ "under oath" includes statements the declarant affirms to be true under penalty of perjury under the laws of the United States or any state; ~~and~~

~~(4) (3)~~ "subsidiary" means any entity directly or indirectly owned, in whole or in part, by the corporation of which the stockholder is a stockholder and over the affairs of which the corporation directly or indirectly exercises control, and includes, without limitation, corporations, partnerships, limited partnerships, limited liability partnerships, limited liability companies, statutory trusts and/or joint ventures.

(b) Any stockholder, in person or by attorney or other agent, upon written demand under oath stating the purpose thereof, shall have the right during the usual hours for business to inspect for any proper purpose, and to make copies and extracts from:

(1) The corporation's stock ledger, a list of its stockholders, and its other books and records; and

(2) a subsidiary's books and records, to the extent that ~~(i): (A)~~ The corporation has actual possession and control of such records of such subsidiary; or ~~(ii) (B)~~ the corporation could obtain such records through the exercise of control over such subsidiary, provided that as of the date of the making of the demand ~~(A): (i)~~ Stockholder inspection of such books and records of the subsidiary would not constitute a breach of an agreement between the corporation or the subsidiary and a person or persons not affiliated with the corporation; ~~and (B) (ii)~~ the subsidiary would not have the right under the law applicable to it to deny the corporation access to such books and records upon demand by the corporation. In every instance where the stockholder is other than a record holder of stock in a stock corporation or a member of a nonstock corporation, the demand under oath shall state the person's status as a stockholder, be accompanied by documentary evidence of beneficial ownership of the stock and state that such documentary evidence is a true and correct copy of what it purports to be. A

proper purpose shall mean a purpose reasonably related to such person's interest as a stockholder. In every instance where an attorney or other agent shall be the person who seeks the right to inspection, the demand under oath shall be accompanied by a power of attorney or such other writing which authorizes the attorney or other agent to so act on behalf of the stockholder. The demand under oath shall be directed to the corporation at its registered office in this state or at its principal place of business.

(c) If the corporation, or an officer or agent thereof, refuses to permit an inspection sought by a stockholder or attorney or other agent acting for the stockholder pursuant to subsection (b) or does not reply to the demand within five business days after the demand has been made, the stockholder may apply to the district court for an order to compel such inspection. The district court is hereby vested with exclusive jurisdiction to determine whether or not the person seeking inspection is entitled to the inspection sought. The court may summarily order the corporation to permit the stockholder to inspect the corporation's stock ledger, an existing list of stockholders, and its other books and records, and to make copies or extracts therefrom; or the court may order the corporation to furnish to the stockholder a list of its stockholders as of a specific date on condition that the stockholder first pay to the corporation the reasonable cost of obtaining and furnishing such list and on such other conditions as the court deems appropriate. Where the stockholder seeks to inspect the corporation's books and records, other than its stock ledger or list of stockholders, such stockholder shall first establish that:

(1) ~~he, she or it~~ such stockholder is a stockholder;

(2) such stockholder has complied with this section respecting the form and manner of making demand for inspection of such documents; and

(3) the inspection such stockholder seeks is for a proper purpose. Where the stockholder seeks to inspect the corporation's stock ledger or list of stockholders and establishes that such stockholder is a stockholder and has complied with this section respecting the form and manner of making demand for inspection of such documents, the burden of proof shall be upon the corporation to establish that the inspection such stockholder seeks is for an improper purpose. The court, in its discretion, may prescribe any limitations or conditions with reference to the inspection, or award such other or further relief as the court may deem just and proper. The court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within this state and kept in this state upon such terms and conditions as the order may prescribe.

(d) Any director, ~~including a member of the governing body of a nonstock corporation,~~ shall have the right to examine the corporation's stock ledger, a list of its stockholders and its other books and records for a purpose reasonably related to the director's position as a director. The district court is hereby vested with the exclusive jurisdiction to determine whether a director is entitled to the inspection sought. The court may summarily order the corporation to permit the director to inspect any and all books and records, the stock ledger and the list of stockholders and to make copies or extracts therefrom. The burden of proof shall be upon the corporation to establish that the inspection such director seeks is for an improper purpose. The court may, in its discretion, prescribe any limitations or conditions with reference to the inspection, or award such other and further relief as the court may deem just and proper.

Sec. 55. K.S.A. 17-6512 is hereby amended to read as follows: 17-6512. (a)

Whenever stockholders are required or permitted to take any action at a meeting, a written notice of the meeting shall be given which shall state the place, if any, date and hour of the meeting, the means of remote communication, if any, by which stockholders and proxy holders may be deemed to be present in person and vote at such meeting, the record date for determining the stockholders entitled to vote at the meeting, if such date is different from the record date for determining stockholders entitled to notice of the meeting, and, in the case of a special meeting, the purpose or purposes for which the meeting is called.

(b) Unless otherwise provided in this ~~act~~ code, the written notice of any meeting shall be given not less than 10 nor more than 60 days before the date of the meeting to each stockholder entitled to vote at such meeting as of the record date for determining the stockholders entitled to notice of the meeting. If mailed, notice is given when deposited in the United States mail, postage prepaid, directed to the stockholder at such stockholder's address as it appears on the records of the corporation. An affidavit of the secretary or an assistant secretary or of the transfer agent or other agent of the corporation that the notice has been given shall be prima facie evidence of the facts stated therein in the absence of fraud.

(c) When a meeting is adjourned to another time or place, unless the bylaws otherwise require, notice need not be given of the adjourned meeting if the time, place, if any, thereof, and the means of remote communication, if any, by which stockholders and proxy holders may be deemed to be present in person and vote at such adjourned meeting are announced at the meeting at which the adjournment is taken. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If the adjournment is for more than 30 days, ~~or if after the adjournment a new record date is fixed for the adjourned meeting,~~ a notice of the adjourned meeting shall be given to each stockholder of record entitled to vote at the meeting. If, after the adjournment, a new record date for stockholders entitled to vote is fixed for the adjourned meeting, the board of directors shall fix a new record date for notice of such adjourned meeting in accordance with K.S.A. 17-6503(a), and amendments thereto, and shall give notice of the adjourned meeting to each stockholder of record entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting.

Sec. 56. K.S.A. 17-6513 is hereby amended to read as follows: 17-6513. (a) (1) Unless otherwise provided in the articles of incorporation or bylaws: ~~(1) (A)~~ Vacancies and newly created directorships resulting from any increase in the authorized number of directors elected by all of the stockholders having the right to vote as a single class may be filled by a majority of the directors then in office, although less than a quorum, or by a sole remaining director; ~~or (2) (B)~~ whenever the holders of any class or classes of stock or series thereof are entitled to elect one or more directors by the articles of incorporation, vacancies and newly created directorships of such class or classes or series may be filled by a majority of the directors elected by such class or classes or series thereof then in office, or by a sole remaining director so elected.

(2) If, at any time, by reason of death or resignation or other cause, a corporation should have no directors in office, then any receiver, officer or any stockholder or an executor, administrator, trustee or guardian of a stockholder, or other fiduciary entrusted with like responsibility for the person or estate of a stockholder, may call a special meeting of stockholders in accordance with the provisions of the articles of

incorporation or the bylaws, or may apply to the district court for a decree summarily ordering an election as provided in K.S.A. 17-6501 or 17-6505, and amendments thereto.

(3) If, at any time, in a corporation where the holders of any class or classes of stock or series thereof are entitled by the articles of incorporation to elect one or more directors, there is no director in office elected by the holders of any such class or series of stock, by reason of death or resignation or other cause, then any receiver, officer or any stockholder of such class or series, as the case may be, or an executor, administrator, trustee or guardian of any such stockholder, or other fiduciary entrusted with like responsibility for the person or estate of any such stockholder, may call a special meeting of stockholders of such class or series, in accordance with the provisions of the articles of incorporation or bylaws for calling a special meeting of stockholders, or may apply to the district court for a decree summarily ordering an election, as provided in K.S.A. 17-6501 or 17-6505, and amendments thereto.

(b) In the case of a corporation the directors of which are divided into classes, any directors chosen under subsection (a) shall hold office until the next election of the class for which such directors shall have been chosen, and until their successors shall be elected and qualified.

(c) If, at the time of filling any vacancy or any newly created directorship, the directors then in office shall constitute less than a majority of the whole board, as constituted immediately prior to any such increase, the district court, upon application of any stockholder or stockholders holding at least 10% of the total number of the shares at the time outstanding having the right to vote for such directors, may summarily order an election to be held to fill any such vacancies or newly created directorships, or to replace the directors chosen by the directors then in office as aforesaid, which election shall be governed by the provisions of K.S.A. 17-6501 or 17-6505, and amendments thereto, as far as applicable.

(d) Unless otherwise provided in the articles of incorporation or bylaws, when one or more directors shall resign from the board, effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective, and each director so chosen shall hold office as provided in this section in the filling of other vacancies.

Sec. 57. K.S.A. 17-6514 is hereby amended to read as follows: 17-6514. Any records maintained by a corporation in the regular course of its business, including its stock ledger, books of account and minute books, may be kept on, or by means of, or be in the form of any information storage device or method provided that the records so kept can be converted into clearly legible paper form within a reasonable time. Any corporation shall so convert any records so kept upon the request of any person entitled to inspect ~~the same such records pursuant to any provision of this code~~. When records are kept in such manner, a clearly legible paper form produced from or by the means of the information storage device or method shall be admissible in evidence and shall be accepted for all other purposes, to the same extent as an original paper record of the same information would have been, provided the paper form accurately portrays the record.

Sec. 58. K.S.A. 17-6515 is hereby amended to read as follows: 17-6515. (a) Upon application of any stockholder or director, or any officer whose title to office is

contested, ~~or any member of a corporation without capital stock,~~ the district court may hear and determine the validity of any election, appointment, removal or resignation of any director, ~~member of the governing body,~~ or officer of any corporation, and the right of any person to hold or continue to hold such office, and, in case any such office is claimed by more than one person, may determine the person entitled thereto. In making such determination, the court may make such order or decree in any such case as may be just and proper, with power to enforce the production of any books, papers and records of the corporation relating to the issue. In case it should be determined that no valid election has been held, the court may order an election to be held in accordance with K.S.A. 17-6501 or 17-6505, and amendments thereto. In any such application, service of copies of the application upon the resident agent of the corporation shall be deemed to be service upon the corporation and upon the person whose title to office is contested and upon the person, if any, claiming such office; and the resident agent shall forward immediately a copy of the application to the corporation and to the person whose title to office is contested and to the person, if any, claiming such office, in a postpaid, sealed, registered letter addressed to such corporation and such person at their post-office addresses last known to the resident agent or furnished to the resident agent by the applicant stockholder. The court may make such order respecting further or other notice of such application as it deems proper under the circumstances.

(b) ~~Upon application of any stockholder or any member of a corporation without capital stock upon application of the corporation itself,~~ the district court may hear and determine the result of any vote of stockholders ~~or members, as the case may be,~~ upon matters other than the election of directors; ~~or officers or members of the governing body.~~ Service of the application upon the resident agent of the corporation shall be deemed to be service upon the corporation, and no other party need be joined in order for the court to adjudicate the result of the vote. The court may make such order respecting notice of the application as it deems proper under the circumstances.

(c) If one or more directors has been convicted of a felony in connection with the duties of such director or directors to the corporation, or if there has been a prior judgment on the merits by a court of competent jurisdiction that one or more directors has committed a breach of the duty of loyalty in connection with the duties of such director or directors to that corporation, then, upon application by the corporation, or derivatively in the right of the corporation by any stockholder, in a subsequent action brought for such purpose, the district court may remove from office such director or directors if the court determines that the director or directors did not act in good faith in performing the acts resulting in the prior conviction or judgment and judicial removal is necessary to avoid irreparable harm to the corporation. In connection with such removal, the court may make such orders as are necessary to effect such removal. In any such application, service of copies of the application upon the resident agent of the corporation shall be deemed to be service upon the corporation and upon the director or directors whose removal is sought and the resident agent shall forward immediately a copy of the application to the corporation and to such director or directors, in a postpaid, sealed, registered letter addressed to such corporation and such director or directors at their post office address last known to the resident agent or furnished to the resident agent by the applicant. The court may make such order respecting further or other notice of such application as it deems proper under the circumstances.

Sec. 59. K.S.A. 17-6516 is hereby amended to read as follows: 17-6516. (a) The

district court, upon application of any stockholder, may appoint one or more persons to be custodians and, if the corporation is insolvent, to be receivers, of and for any corporation when:

(1) At any meeting held for the election of directors the stockholders are so divided that they have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors;~~or~~

(2) the business of the corporation is suffering or is threatened with irreparable injury because the directors are so divided respecting the management of the affairs of the corporation that the required vote for action by the board of directors cannot be obtained and the stockholders are unable to terminate this division; or

(3) the corporation has abandoned its business and has failed within a reasonable time to take steps to dissolve, liquidate or distribute its assets.

(b) A custodian appointed under this section shall have all the powers and title of a receiver appointed under K.S.A. 17-6901, and amendments thereto, but the authority of the custodian is to continue the business of the corporation and not to liquidate its affairs and distribute its assets, except when the court shall otherwise order and except in cases arising under subsection (a)(3) ~~of this section or subsection (a)(2) of or~~ K.S.A. 17-7212(a)(2), and amendments thereto.

(c) In the case of a charitable nonstock corporation, the applicant shall provide a copy of any application referred to in subsection (a) to the attorney general of the state of Kansas within one week of its filing with the district court.

Sec. 60. K.S.A. 17-6517 is hereby amended to read as follows: 17-6517. (a) The district court, in any proceeding instituted under K.S.A. 17-6501, 17-6505 or 17-6515, and amendments thereto, may determine the right and power of persons claiming to own stock, ~~or in the case of a corporation without capital stock, of the persons claiming to be members~~, to vote at any meeting of the stockholders ~~or members~~.

(b) The court may: (1) Appoint a master to hold any election provided for in K.S.A. 17-6501, 17-6505 or 17-6515, and amendments thereto, under such orders and powers as it deems proper; ~~and it may~~ (2) punish any officer or director for contempt in case of disobedience of any order made by the court; and; (3) in case of disobedience by a corporation of any order made by the court, may enter a decree against such corporation for a penalty of not more than ~~\$25,000~~ \$5,000.

Sec. 61. K.S.A. 17-6518 is hereby amended to read as follows: 17-6518. (a) Unless otherwise provided in the articles of incorporation, any action required by this ~~act~~ code to be taken at any annual or special meeting of stockholders of a corporation, or any action which may be taken at any annual or special meeting of such stockholders, may be taken without a meeting, without prior notice and without a vote, if a consent or consents in writing, setting forth the action so taken, are signed by ~~at~~ the holders of outstanding stock ~~entitled to vote~~. Such consent or consents having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote thereon were present and voted and shall be delivered to the corporation by delivery to its registered office in this state, its principal place of business or an officer or agent of the corporation having custody of the book in which proceedings of meetings of stockholders are recorded. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested.

(b) Unless otherwise provided in the articles of incorporation, any action required

by this ~~act code~~ to be taken at a meeting of the members of a nonstock corporation, or any action which may be taken at any meeting of the members of a nonstock corporation, may be taken without a meeting, without prior notice and without a vote, if a consent or consents in writing, setting forth the action so taken, are signed by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members having a right to vote thereon were present and voted and shall be delivered to the corporation by delivery to its registered office in this state, its principal place of business or an officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested.

(c) Every written consent shall bear the date of signature of each stockholder or member who signs the consent ~~or consents~~, and no written consent shall be effective to take the corporate action referred to ~~in the consent or consents therein~~ unless, within 60 days of the earliest dated consent delivered in the manner required by this section to the corporation, written ~~consent consents~~ signed by a sufficient number of holders or members to take action are delivered to the corporation by delivery to its registered office in this state, its principal place of business or an officer or agent of the corporation having custody of the book in which proceedings of meetings of stockholders or members are recorded. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested. Any person executing a consent may provide, whether through instruction to an agent or otherwise, that such a consent will be effective at a future time, including a time, determined upon the happening of an event, no later than 60 days after such instruction is given or such provision is made, and, for the purposes of this section, if evidence of such instruction or provision is provided to the corporation, such later effective time shall serve as the date of signature. Unless otherwise provided, any such consent shall be revocable prior to its becoming effective.

(d) (1) ~~A telegram, cablegram or other~~ Any electronic transmission consenting to an action to be taken and transmitted by a stockholder, member ~~or proxy holder proxyholder~~, or by a person or persons authorized to act for a stockholder, member ~~or proxy holder proxyholder~~, shall be deemed to be written, signed and dated for the purposes of this section, provided that any such ~~telegram, cablegram or other~~ electronic transmission sets forth or is delivered with information from which the corporation can determine: (A) That the ~~telegram, cablegram or other~~ electronic transmission was transmitted by the stockholder, member ~~or proxy holder proxyholder~~ or by a person or persons authorized to act for the stockholder, member ~~or proxy holder proxyholder~~; and (B) the date on which such stockholder, member ~~or proxy holder proxyholder~~ or authorized person or persons transmitted such ~~telegram, cablegram or~~ electronic transmission. The date on which such ~~telegram, cablegram or~~ electronic transmission is transmitted shall be deemed to be the date on which such consent ~~or consents were~~ was signed. No consent ~~or consents~~ given by ~~telegram, cablegram or other~~ electronic transmission shall be deemed to have been delivered until such consent ~~or consents are~~ is reproduced in paper form and until such paper form shall be delivered to the corporation by delivery to its registered office in this state, its principal place of business or an officer or agent of the corporation having custody of the book in which proceedings of meetings of stockholders or members are recorded. Delivery made to a

corporation's registered office shall be by hand or by certified or registered mail, return receipt requested. Notwithstanding the foregoing limitations on delivery, any consent or consents given by ~~telegram, cablegram or other~~ electronic transmission, may be otherwise delivered to the principal place of business of the corporation or to an officer or agent of the corporation having custody of the book in which proceedings of meetings of stockholders or members are recorded if, to the extent and in the manner provided by resolution of the board of directors or governing body of the corporation.

(2) Any copy, facsimile or other reliable reproduction of a consent ~~or consents~~ in writing may be substituted or used in lieu of the original writing for any and all purposes for which the original writing could be used, provided that such copy, facsimile or other reproduction shall be a complete reproduction of the entire original writing.

(c) Prompt notice of the taking of ~~nonstock~~ any corporate action without a meeting by less than unanimous written consent shall be given to those stockholders or members who have not consented in writing and who, if the action had been taken at a meeting, would have been entitled to notice of the meeting if the record date for notice of such meeting had been the date that a written consent or consents signed by a sufficient number of stockholders or members to take the action were delivered to the corporation as provided in subsection (c). In the event that the action which is consented to is such as would have required the filing of a certificate under any other section of this ~~act~~ code, if such action had been voted on by stockholders or members at a meeting thereof, the certificate filed under such other section shall state, in lieu of any statement required by such section concerning any vote of stockholders or members, that written consent has been given in accordance with the provisions of this section.

Sec. 62. K.S.A. 17-6521 is hereby amended to read as follows: 17-6521. (a) In advance of any meeting of stockholders, the corporation shall appoint one or more inspectors to act at the meeting and make a written report thereof. The corporation may designate one or more persons as alternate inspectors to replace any inspector who fails to act. If no inspector or alternate is able to act at a meeting of stockholders, the person presiding at the meeting shall appoint one or more inspectors to act at the meeting. Before entering upon the discharge of the duties of inspector, each inspector shall take and sign an oath faithfully to execute the duties of inspector with strict impartiality and according to the best of such inspector's ability.

(b) The inspectors shall:

- (1) Ascertain the number of shares outstanding and the voting power of each;
- (2) determine the shares represented at a meeting and the validity of proxies and ballots;
- (3) count all votes and ballots;
- (4) determine and retain for a reasonable period a record of the disposition of any challenges made to any determination by the inspectors; and
- (5) certify their determination of the number of shares represented at the meeting, and their count of all votes and ballots. The inspectors may appoint or retain other persons or entities to assist the inspectors in the performance of the duties of the inspectors.

(c) The date and time of the opening and the closing of the polls for each matter upon which the stockholders will vote at a meeting shall be announced at the meeting. No ballot, proxies or votes, nor any revocations thereof or changes thereto, shall be

accepted by the inspectors after the closing of the polls unless the district court upon application by a stockholder determines otherwise.

(d) In determining the validity and counting of proxies and ballots, the inspectors shall be limited to an examination of the proxies, any envelopes submitted with those proxies, any information provided in accordance with ~~subsection (f) of K.S.A. 17-6501(f) or subsection (e)(2) of 17-6502(c)(2)~~, and amendments thereto, or any information provided pursuant to ~~subsection (a)(2)(B)(i) or (iii) of K.S.A. 17-6501(a)(2)(B)(i) or (iii)~~, and amendments thereto, ballots and the regular books and records of the corporation, except that the inspectors may consider other reliable information for the limited purpose of reconciling proxies and ballots submitted by or on behalf of banks, brokers, their nominees or similar persons which represent more votes than the holder of a proxy is authorized by the record owner to cast or more votes than the stockholder holds of record. If the inspectors consider other reliable information for the limited purpose permitted herein, the inspectors at the time they make their certification pursuant to subsection (b)(5) shall specify the precise information considered by them including the person or persons from whom they obtained the information, when the information was obtained, the means by which the information was obtained and the basis for the inspectors' belief that such information is accurate and reliable.

(e) Unless otherwise provided in the articles of incorporation or bylaws, this section shall not apply to a corporation that does not have a class of voting stock that is:

- (1) Listed on a national securities exchange;
- (2) authorized for quotation on an interdealer quotation system of a registered national securities association; or
- (3) held of record by more than 2,000 stockholders.

~~(f) This section shall be part of and supplemental to the Kansas general corporation code, and amendments thereto.~~

Sec. 63. K.S.A. 17-6522 is hereby amended to read as follows: 17-6522. (a) Without limiting the manner by which notice otherwise may be given effectively to stockholders, any notice to stockholders given by the corporation under any ~~provisions provision~~ of this ~~act code~~, the articles of incorporation, or the bylaws shall be effective if given by a form of electronic transmission consented to by the ~~stockholders stockholder~~ to whom the notice is given. Any such consent shall be revocable by the stockholder by written notice to the corporation. Any such consent shall be deemed revoked if: (1) The corporation is unable to deliver by electronic transmission two consecutive notices given by the corporation in accordance with such consent; and (2) such inability becomes known to the secretary or an assistant secretary of the corporation or to the transfer agent, or other person responsible for the giving of notice. The inadvertent failure to treat such inability as a revocation shall not invalidate any meeting or other action.

(b) Notice given pursuant to subsection (a) shall be deemed given: (1) If by facsimile telecommunication, when directed to a number at which the stockholder has consented to receive notice; (2) if by electronic mail, when directed to an electronic mail address at which the stockholder has consented to receive notice; (3) if by a posting on an electronic network together with separate notice to the stockholder of such specific posting, upon the later of: (A) Such posting; and (B) the giving of such separate notice; and (4) if by any other form of electronic transmission, when directed to the stockholder. An affidavit of the secretary or an assistant secretary or of the

transfer agent or other agent of the corporation that the notice has been given by a form of electronic transmission, in the absence of fraud, shall be prima facie evidence of the facts stated therein.

(c) For purposes of this ~~act~~ code, "electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process.

~~(d) This section shall apply to a corporation organized under this act that is not authorized to issue capital stock, and when so applied, all references to stockholders shall be deemed to refer to members of such a corporation.~~

~~(e) This section shall not apply to K.S.A. 17-6414, 17-6906, 17-7001 or 17-7002, and amendments thereto.~~

~~(f) This section shall be a part of and supplemental to the Kansas general corporation code, and amendments thereto.~~

Sec. 64. K.S.A. 17-6523 is hereby amended to read as follows: 17-6523. (a) Without limiting the manner by which notice otherwise may be given effectively to stockholders, any notice to stockholders given by the corporation under any provision of this chapter, the articles of incorporation or the bylaws shall be effective if given by a single written notice to stockholders who share an address if consented to by the stockholders at that address to whom such notice is given. Any such consent shall be revocable by the stockholder by written notice to the corporation.

(b) Any stockholder who fails to object in writing to the corporation, within 60 days of having been given written notice by the corporation of its intention to send the single notice permitted under subsection (a), shall be deemed to have consented to receiving such single written notice.

~~(c) This section shall apply to a corporation organized under this chapter that is not authorized to issue capital stock, and when so applied, all references to stockholders shall be deemed to refer to members of such a corporation.~~

~~(d) This section shall not apply to K.S.A. 17-6414, 17-6906, 17-7001, and 17-7002, and amendments thereto.~~

~~(e) This section shall be part of and supplemental to the Kansas general corporation code, and amendments thereto.~~

Sec. 65. K.S.A. 2015 Supp. 17-6601 is hereby amended to read as follows: 17-6601. (a) Before a corporation has received any payment for any of its stock, it may amend its articles of incorporation at any time or times, in any and as many respects as may be desired, so long as its articles of incorporation, as amended, would contain only such provisions as it would be lawful and proper to insert in an original articles of incorporation filed at the time of filing the amendment.

(b) The amendment of the articles of incorporation authorized by this section shall be adopted by a majority of the incorporators, if directors were not named in the original articles of incorporation or have not yet been elected, or, if directors were named in the original articles of incorporation or have been elected and have qualified, by a majority of the directors. A certificate setting forth the amendment and certifying that the corporation has not received any payment for any of its stock, or that the corporation has no members, as applicable, and that the amendment has been duly adopted in accordance with the provisions of this section shall be executed and filed in accordance with K.S.A. 2015 Supp. 17-7908 through 17-7910, and amendments

thereto. Upon the effectiveness of such filing, the corporation's articles of incorporation shall be deemed to be amended accordingly as of the date on which the original articles of incorporation became effective except as to those persons who are substantially and adversely affected by the amendment and as to those persons the amendment shall be effective from the filing date.

(c) This section shall apply to a nonstock corporation before such corporation has any members, except that all references to directors shall be deemed to be references to members of the governing body of the corporation.

Sec. 66. K.S.A. 2015 Supp. 17-6602 is hereby amended to read as follows: 17-6602. (a) After a corporation has received payment for any of its capital stock, or after a nonstock corporation has members, it may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation, as amended, would contain only such provisions as it would be lawful and proper to insert in an original articles of incorporation filed at the time of the filing of the amendment. If a change in stock or the rights of stockholders, or an exchange, reclassification, subdivision, combination or cancellation of stock or rights of stockholders is to be made, the amendment to the articles of incorporation shall contain such provisions as may be necessary to effect such change, exchange, reclassification, subdivision, combination or cancellation. In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

- (1) To change its corporate name;
- (2) to change, substitute, enlarge or diminish the nature of its business or its corporate powers and purposes;
- (3) to increase or decrease its authorized capital stock or to reclassify the same, by changing the number, par value, designations, preferences, or relative, participating, optional or other special rights of the shares, or the qualifications, limitations or restrictions of such rights, or by changing shares with par value into shares without par value, or shares without par value into shares with par value either with or without increasing or decreasing the number of shares, or by subdividing or combining the outstanding shares of any class or series into a greater or lesser number of outstanding shares;
- (4) to cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared;
- (5) to create new classes of stock having rights and preferences either prior and superior or subordinate and inferior to the stock of any class then authorized, whether issued or unissued; ~~or~~
- (6) to change the period of its duration. Any or all such changes or alterations may be effected by one certificate of amendment; or
- (7) to delete: (A) Such provisions of the original articles of incorporation which named the incorporator or incorporators, the initial board of directors and the original subscribers for shares; and (B) such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, subdivision, combination or cancellation of stock, if such change, exchange, reclassification, subdivision, combination or cancellation has become effective.

(b) ~~Notwithstanding the provisions of subsection (c), the board of directors of a~~

corporation that is registered or intends to register as an open-end investment company under the investment company act of 1940, 15 U.S.C. § 80a-1 et seq., after the registration takes effect, by resolution, may approve the amendment of the articles of incorporation of the corporation to: (1) Increase or decrease the aggregate number of shares of stock or the number of shares of any class of stock that the corporation has authority to issue; or (2) authorize the issuance of an indefinite number of shares of any such stock, unless a provision has been included in the charter of the corporation after July 1, 1995, prohibiting such action by the board of directors without stockholder approval. A certificate setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this section shall be executed and filed, and shall become effective, in accordance with K.S.A. 2015 Supp. 17-7910, and amendments thereto. If the board of directors authorizes the issuance of an indefinite number of shares of any class of stock of the corporation pursuant to this subsection, such authorization shall be disclosed wherever the corporation would otherwise be required by law to disclose the total number of authorized shares of any such class of stock of the corporation.

(c) ~~Except as provided in subsection (b),~~ Every amendment authorized by subsection (a) shall be made and effected in the following manner:

(1) If the corporation has capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and either calling a special meeting of the stockholders entitled to vote for the consideration of such amendment or directing that the amendment proposed be considered at the next annual meeting of the stockholders, except that unless otherwise expressly required by the articles of incorporation, no meeting or vote of stockholders shall be required to adopt an amendment that effects only changes described in subsection (a)(1) or (a)(7). Such special or annual meeting shall be called and held upon notice in accordance with K.S.A. 17-6512, and amendments thereto. The notice shall set forth such amendment in full or a brief summary of the changes to be effected thereby, as the directors shall deem advisable unless such notice constitutes a notice of internet availability of proxy materials under the rules promulgated under the securities exchange act of 1934. At the meeting a vote of the stockholders entitled to vote thereon shall be taken for and against the any proposed amendment that requires adoption by stockholders. If no vote of stockholders is required to effect such amendment, or if a majority of the outstanding stock entitled to vote; thereon and a majority of the outstanding stock of each class entitled to vote thereon as a class ~~has have~~ been voted in favor of the amendment, a certificate setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this section shall be executed and filed, and shall become effective, in accordance with K.S.A. 2015 Supp. ~~17-7910~~ 17-7908 through 17-7911, and amendments thereto.

(2) The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the articles of incorporation, if the amendment would increase or decrease the aggregate number of authorized shares of such class, increase or decrease the par value of the shares of such class, or alter or change the powers, preferences or special rights of the shares of such class so as to affect them adversely. If any proposed amendment would alter or change the powers, preferences or special rights of one or more series of any class so as to affect them adversely, but does not affect the entire

class, then only the shares of the series affected by the amendment shall be considered a separate class for the purposes of this subsection. The number of authorized shares of any such class or classes of stock may be increased or decreased, but not below the number of shares thereof then outstanding, by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote irrespective of this paragraph, if so provided in the original articles of incorporation ~~or~~, in any amendment thereto which created such class or classes of stock or which was adopted prior to the issuance of any shares of such class or classes of stock or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of a majority of such class or classes of stock.

(3) If the corporation ~~has no capital stock~~ is a nonstock corporation, then the governing body of the corporation shall adopt a resolution setting forth the amendment proposed and declaring its advisability. ~~If at a subsequent meeting, held not earlier than 15 days and not later than 60 days from the meeting at which such resolution has been passed,~~ a majority of all the members of the governing body shall vote in favor of such amendment, a certificate thereof shall be executed and filed, and shall become effective, in accordance with K.S.A. 2015 Supp. ~~17-7910 17-7908 through 17-7911~~, and amendments thereto. The articles of incorporation of any ~~such~~ nonstock corporation ~~without capital stock~~ may contain a provision requiring any amendment thereto to be approved by a specified number or percentage of the members or of any specified class of members of such corporation; in which event ~~only one meeting of the governing body thereof shall be necessary,~~ and such proposed amendment shall be submitted to the members or to any specified class of members of such corporation ~~without capital stock~~ in the same manner, so far as applicable, as is provided in this section for an amendment to the articles of incorporation of a stock corporation. In the event of the adoption of such amendment, a certificate evidencing such amendment shall be executed and filed and shall become effective in accordance with K.S.A. 2015 Supp. ~~17-7910 17-7908 through 17-7911~~, and amendments thereto.

(4) Whenever the articles of incorporation shall require for action by the board of directors of a corporation other than a nonstock corporation or by the governing body of a nonstock corporation, by the holders of any class or series of shares or by the members, or by the holders of any other securities having voting power the vote of a greater number or proportion than is required by any section of this ~~aet~~ code, the provision of the articles of incorporation requiring such greater vote shall not be altered, amended or repealed except by such greater vote.

~~(d)~~ (c) The resolution authorizing a proposed amendment to the articles of incorporation may provide that at any time prior to the effectiveness of the filing of the amendment with the secretary of state, notwithstanding authorization of the proposed amendment by the stockholders of the corporation or by the members of a nonstock corporation, the board of directors or governing body may abandon such proposed amendment without further action by the stockholders or members.

Sec. 67. K.S.A. 17-6603 is hereby amended to read as follows: 17-6603. (a) A corporation, by resolution of its board of directors, may retire any shares of its capital stock that are issued but are not outstanding.

(b) Whenever any shares of the capital stock of a corporation are retired, they shall resume the status of authorized and unissued shares of the class or series to which they belong unless the articles of incorporation otherwise provides. If the articles of

incorporation prohibits the reissuance of such shares, or prohibits the reissuance of such shares as a part of a specific series only, a certificate stating that reissuance of the shares, as part of the class or series, is prohibited, identifying the shares and reciting that their retirement shall be executed and filed and shall become effective in accordance with K.S.A.—17-6003 2015 Supp. 17-7908 through 17-7911, and amendments thereto. When such certificate becomes effective, it shall have the effect of amending the articles of incorporation so as to reduce accordingly the number of authorized shares of the class or series to which such shares belong or, if such retired shares constitute all of the authorized shares of the class or series to which they belong, of eliminating from the articles of incorporation all reference to such class or series of stock.

(c) If the capital of the corporation shall be reduced by or in connection with the retirement of shares, the reduction of capital shall be effected pursuant to K.S.A. 17-6604, and amendments thereto.

Sec. 68. K.S.A. 17-6605 is hereby amended to read as follows: 17-6605. (a) Whenever it is desired, a corporation may integrate into a single instrument all of the provisions of its articles of incorporation which are then in effect and operative as a result of there having been filed with the secretary of state one or more certificates or other instruments pursuant to any of the sections referred to in K.S.A. 17-6004, and amendments thereto. Such corporation may at the same time also further amend its articles of incorporation by adopting a restated articles of incorporation.

(b) If the restated articles of incorporation merely restate and integrate but do not further amend the articles of incorporation, as theretofore amended or supplemented by any instrument that was filed pursuant to any of the sections mentioned in K.S.A. 17-6004, and amendments thereto, such restated articles may be adopted by the board of directors without a vote of the stockholders, or they may be proposed by the directors and submitted by them to the stockholders for adoption, in which case the procedure and vote required, if any, by K.S.A. 17-6602, and amendments thereto, for amendment of the articles of incorporation shall be applicable. If the restated articles of incorporation restate and integrate and also further amend in any respect the articles of incorporation, as theretofore amended or supplemented, they shall be proposed by the directors and adopted by the stockholders in the manner and by the vote prescribed by K.S.A. 17-6602, and amendments thereto, or, if the corporation has not received any payment for any of its stock, in the manner and by the vote prescribed by K.S.A. 17-6601, and amendments thereto.

(c) Any restated articles of incorporation shall be specifically designated as such in ~~its~~ the heading. They shall state, either in the heading or in an introductory paragraph, the corporation's present name, and, if it has been changed, the name under which it was originally incorporated, and the date of filing of its original articles of incorporation with the secretary of state. Any restated articles shall also state that they were duly adopted by the directors or stockholders, as the case may be, in accordance with the provisions of this section. If they were adopted by the board of directors without a vote of the stockholders ~~unless it was~~ adopted pursuant to the provisions of K.S.A. 17-6601, and amendments thereto, or without vote of the members pursuant to K.S.A. 2015 Supp. 17-7910, and amendments thereto, they shall state that they only restate and integrate and do not further amend, except, if applicable, as permitted under K.S.A. 17-6002(a)(1) and (b)(1), and amendments thereto, the provisions of the corporation's

articles of incorporation as theretofore amended or supplemented, and that there is no discrepancy between those provisions and the provisions of the restated articles. A restated articles of incorporation may omit: (1) Such provisions of the original articles of incorporation which named the incorporator or incorporators, the initial board of directors, and the original subscribers for shares; and (2) such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, subdivision, combination or cancellation of stock if such change, exchange, reclassification, subdivision, combination or cancellation has become effective. Any such omissions shall not be deemed a further amendment.

(d) Any restated articles of incorporation shall be executed and filed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto, and upon such restated articles of incorporation becoming effective in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto. ~~Upon filing with the secretary of state,~~ The corporation's original articles of incorporation, as theretofore amended or supplemented, shall be superseded; ~~and thenceforth~~ the restated articles of incorporation, including any further amendments or changes made thereby, shall be the articles of incorporation of the corporation, but the original date of incorporation shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the articles of incorporation shall be subject to any other ~~provisions~~ provision of this ~~act~~ code, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Sec. 69. K.S.A. 17-6701 is hereby amended to read as follows: 17-6701. (a) Any two or more corporations existing under the laws of this state ~~and authorized to issue capital stock~~ may merge into a single corporation, which may be any one of the constituent corporations or ~~they~~ may consolidate into a new corporation formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(b) The board of directors of each corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation and declaring its advisability. The agreement shall state: (1) The terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) in the case of a merger, such amendments or changes in the articles of incorporation of the surviving corporation as are desired to be effected by the merger, which amendments or changes may amend and restate the articles of incorporation of the surviving corporation in their entirety, or, if no such amendments or changes are desired, a statement that the articles of incorporation of the surviving corporation shall be its articles of incorporation; (4) in the case of a consolidation, that the articles of incorporation of the resulting corporation shall be ~~as-is~~ are set forth in an attachment to the agreement; (5) the manner, if any, of converting the shares of each of the constituent corporations into shares or other securities of the corporation surviving or resulting from the merger or consolidation, or of cancelling some or all of such shares and, if any shares of any of the constituent corporations are not to remain outstanding, to be converted solely into shares or other securities of the surviving or resulting corporation or to be cancelled, the cash, property, rights or securities of any other corporation or entity which the holders of such shares are to receive in exchange for, or upon conversion of, such shares and the surrender of any certificates evidencing them, which

cash, property, rights or securities of any other corporation or entity may be in addition to or in lieu of shares or other securities of the surviving or resulting corporation; and (6) such other details or provisions as are deemed desirable, including, without limiting, the generality of the foregoing, a provision for the payment of cash in lieu of the issuance or recognition of fractional shares, interests or rights, or for any other arrangement with respect thereto, consistent with the provisions of K.S.A. 17-6405, and amendments thereto. The agreement so adopted ~~as provided in this subsection~~ shall be executed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908, and amendments thereto. Any terms of the agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, provided that the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(c) (1) The agreement required by subsection (b) shall be submitted to the stockholders of each constituent corporation at an annual or special meeting ~~thereof~~ for the purpose of acting on the agreement.

~~(2) The terms of the agreement may require that the agreement be submitted to the stockholders whether or not the board of directors determines at any time subsequent to declaring its advisability that the agreement is no longer advisable and recommends that the stockholders reject it.~~

~~(3) Due notice of the time, place and purpose of the meeting shall be mailed to each holder of stock of the corporation, whether voting or nonvoting, of the corporation at the stockholder's address as it appears on the records of the corporation, at least 20 days prior to the date of the meeting. The notice shall contain a copy of the agreement or a brief summary thereof, as the directors deem advisable.~~

~~(4) (3) At the meeting the agreement shall be considered and a vote taken for its adoption or rejection. If a majority of the outstanding stock of the corporation entitled to vote thereon shall be voted for the adoption of the agreement, that fact shall be certified on the agreement by the secretary or assistant secretary of the corporation, except that such certification on the agreement shall not be required if a certificate of merger or consolidation is filed in lieu of filing the agreement. If the agreement is shall be so adopted and certified by each constituent corporation, it shall then be executed and filed, and shall become effective, in accordance with K.S.A. 17-6003 2015 Supp. 17-7910 and 17-7911, and amendments thereto.~~

~~(5) (4) In lieu of filing the agreement of merger or consolidation required by this section, the surviving or resulting corporation may file a certificate of merger or consolidation, executed in accordance with K.S.A. 17-6003 2015 Supp. 17-7908, and amendments thereto, which states: (A) The name and state of incorporation of each of the constituent corporations; (B) that an agreement of merger or consolidation has been approved, adopted, certified and executed by each of the constituent corporations in accordance with this section; (C) the name of the surviving or resulting corporation; (D) in the case of a merger, such amendments or changes in the articles of incorporation of the surviving corporation as are desired to be effected by the merger, which amendments or changes may amend and restate the articles of incorporation of the surviving corporation in their entirety, or, if no such amendments or changes are desired, a statement that the articles of incorporation of one of the constituent~~

corporations shall be the articles of incorporation of the surviving corporation; (E) in the case of a consolidation, that the articles of incorporation of the resulting corporation shall be ~~as is~~ are set forth in an attachment to the certificate; (F) that the executed agreement of consolidation or merger is on file at the principal place of business of the surviving or resulting corporation, stating the address thereof; and (G) that a copy of the agreement of consolidation or merger will be furnished by the surviving or resulting corporation, on request and without cost, to any stockholder of any constituent corporation.

(d) Any agreement of merger or consolidation may contain a provision that at any time prior to the time that the agreement, or a certificate in lieu thereof, filed with the secretary of state becomes effective in accordance with K.S.A. ~~47-6003~~ 2015 Supp. 17-7911, and amendments thereto, the agreement may be terminated by the board of directors of any constituent corporation notwithstanding approval of the agreement by the stockholders of all or any of the constituent corporations; in the event the agreement of merger or consolidation is terminated after the filing of the agreement, or a certificate in lieu thereof, with the secretary of state but before the agreement, or a certificate in lieu thereof, has become effective, a certificate of termination of merger or consolidation shall be filed in accordance with K.S.A. ~~47-6003~~ 2015 Supp. 17-7910, and amendments thereto. Any agreement of merger or consolidation may contain a provision that the boards of directors of the constituent corporations may amend the agreement at any time prior to the ~~filing of time that~~ the agreement, or a certificate in lieu thereof, ~~with the secretary of state filed with the secretary of state becomes effective in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto,~~ except that an amendment made subsequent to the adoption of the agreement by the stockholders of any constituent corporation shall not: (1) Alter or change the amount or kind of shares, securities, cash, property or rights, ~~or any combination~~, to be received in exchange for or on conversion of all or any of the shares of any class or series thereof of such constituent corporation; (2) alter or change any term of the articles of incorporation of the surviving or resulting corporation to be effected by the merger or consolidation; or (3) alter or change any of the terms and conditions of the agreement if such alteration or change would adversely affect the holders of any class or series thereof of such constituent corporation. In the event the agreement of merger or consolidation is amended after the ~~filing of such merger or consolidation thereof~~ with the secretary of state but before the agreement has become effective, a certificate of ~~amendments~~ amendment of merger or consolidation shall be filed in accordance with K.S.A. ~~47-6003~~ 2015 Supp. 17-7910, and amendments thereto.

(e) In the case of a merger, the articles of incorporation of the surviving corporation shall automatically be amended to the extent, if any, that changes in the articles of incorporation are set forth in the agreement of merger.

(f) (1) Notwithstanding the requirements of subsection (c), unless required by its articles of incorporation, no vote of stockholders of a constituent corporation surviving a merger shall be necessary to authorize a merger if: (A) The agreement of merger does not amend in any respect the articles of incorporation of such constituent corporation; (B) each share of stock of such constituent corporation outstanding immediately prior to the effective date of the merger is to be an identical outstanding or treasury share of the surviving corporation after the effective date of the merger; and (C) either no shares of common stock of the surviving corporation and no shares, securities or obligations

convertible into such stock are to be issued or delivered under the plan of merger, or the authorized unissued shares or the treasury shares of common stock of the surviving corporation to be issued or delivered under the plan of merger plus those initially issuable upon conversion of any other shares, securities or obligations to be issued or delivered under such plan do not exceed 20% of the shares of common stock of such constituent corporation outstanding immediately prior to the effective date of the merger.

(2) No vote of stockholders of a constituent corporation shall be necessary to authorize a merger or consolidation if no shares of the stock of such corporation shall have been issued prior to the adoption by the board of directors of the resolution approving the agreement of merger or consolidation.

(3) If an agreement of merger is adopted by the constituent corporation surviving the merger, by action of its board of directors and without any vote of its stockholders pursuant to this subsection, the secretary or assistant secretary of that corporation shall certify on the agreement that the agreement has been adopted pursuant to this subsection and: (A) If it has been adopted pursuant to ~~the first sentence of this subsection (f)(1)~~, that the conditions specified in that ~~sentence subsection~~ have been satisfied; or (B) if it has been adopted pursuant to ~~the second sentence of this subsection (f)(2)~~, that no shares of stock of such corporation were issued prior to the adoption by the board of directors of the resolution approving the agreement of merger or consolidation.

~~(3)~~ (4) The agreement so adopted and certified shall then be executed and filed, and shall become effective, in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7911, and amendments thereto. Such filing shall constitute a representation by the person who executes the agreement that the facts stated in the certificate remain true immediately prior to such filing.

(g) Notwithstanding the requirements of subsection (c), unless expressly required by its articles of incorporation, no vote of stockholders of a constituent corporation shall be necessary to authorize a merger with or into a single direct or indirect wholly-owned subsidiary of such constituent corporation if:

(1) Such constituent corporation and the direct or indirect wholly-owned subsidiary of such constituent corporation are the only constituent entities to the merger;

(2) each share or fraction of a share of the capital stock of the constituent corporation outstanding immediately prior to the effective time of the merger is converted in the merger into a share or equal fraction of share of capital stock of a holding company having the same designations, rights, powers and preferences, and the qualifications, limitations and restrictions thereof, as the share of stock of the constituent corporation being converted in the merger;

(3) the holding company and the constituent ~~corporations~~ corporation are corporations of this state and the direct or indirect wholly-owned subsidiary that is the other constituent entity to the merger is a corporation or limited liability company of this state;

(4) the articles of incorporation and bylaws of the holding company immediately following the effective time of the merger contain provisions identical to the articles of incorporation and bylaws of the constituent corporation immediately prior to the effective time of the merger, other than provisions, if any, regarding the incorporator or incorporators, the corporate name, the registered office and agent, the initial board of

directors and the initial subscribers for shares and such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, subdivision, combination or cancellation of stock, if such change, exchange, reclassification, subdivision, combination or cancellation has become effective;

(5) as a result of the merger the constituent corporation or its successor becomes or remains a direct or indirect wholly-owned subsidiary of the holding company;

(6) the directors of the constituent corporation become or remain the directors of the holding company upon the effective time of the merger; ~~and~~

(7) (A) the organizational documents of the surviving entity immediately following the effective time of the merger contain provisions identical to the articles of incorporation of the constituent corporation immediately prior to the effective time of the merger, other than provisions, if any, regarding the incorporator or incorporators, the corporate or entity name, the registered office and agent, the initial board of directors and the initial subscribers for shares, references to members rather than stockholders or shareholders, references to interests, units or the like rather than stock or shares, references to managers, managing members or other members of the governing body rather than directors and such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, subdivision, combination or cancellation of stock, if such change, exchange, reclassification, subdivision, combination or cancellation has become effective;:

(B) if the organizational documents of the surviving entity do not contain the following provisions, such documents shall be amended in the merger to contain provisions requiring that: (i) Any act or transaction by or involving the surviving entity, other than the election or removal of directors or managers, managing members or other members of the governing body of the surviving entity, that requires for its adoption under this ~~aet code~~ or its organizational documents the approval of the stockholders or members of the surviving entity shall, by specific reference to this subsection, require, in addition, the approval of the stockholders of the holding company, or any successor by merger, by the same vote as is required by this ~~aet code~~ or by the organizational documents of the surviving entity, or both. For purposes of this clause, any surviving entity that is not a corporation shall include in such ~~amendments~~ amendment a requirement that the approval of the stockholders of the holding company be obtained for any act or transaction by or involving the surviving entity, other than the election or removal of directors or managers, managing members or other members of the governing body of the surviving entity, which would require the approval of the stockholders of the surviving entity if the surviving entity were a corporation subject to this ~~aet code~~;

(ii) any amendment of the organizational documents of a surviving entity that is not a corporation, which amendment would, if adopted by a corporation subject to this ~~aet code~~, be required to be included in the articles of incorporation of such corporation, shall, by specific reference to this subsection, require, in addition, the approval of the stockholders of the holding company, or any successor by merger, by the same vote as is required by this ~~aet code~~ or by the organizational documents of the surviving entity or both; and

(iii) the business and affairs of a surviving entity that is not a corporation shall be managed by or under the direction of a board of directors, board of managers or other

governing body consisting of individuals who are subject to the same fiduciary duties applicable to, and who are liable for breach of such duties to the same extent as, directors of a corporation subject to this act. ~~Neither the provisions of this subsection code; and~~

~~(C) the organizational documents of the surviving entity may be amended in the merger to: (i) Reduce the number of classes and shares of capital stock or other equity interests or units that the surviving entity is authorized to issue; and (ii) eliminate any provision authorized by K.S.A. 17-6301(d), and amendments thereto; and~~

~~(8) the stockholders of the constituent corporation do not recognize gain or loss for United States federal income tax purposes as determined by the board of directors of the constituent corporation. Neither subsection (g)(7)(B) nor any provision of a surviving entity's organizational documents required by this subsection (g)(7)(B) shall be deemed or construed to require approval of the stockholders of the holding company to elect or remove directors or managers, managing members or other members of the governing body of the surviving entity.~~

~~(C) The organizational documents of the surviving entity may be amended in the merger to reduce the number of classes and shares of capital stock or other equity interests or units that the surviving entity is authorized to issue.~~

~~(D) As used in this subsection only, The term "organizational documents," as used in subsection (g)(7) and (g)(8), when used in reference to a corporation, means the articles of incorporation of such corporation and, when used in reference to a limited liability company, means the articles of organization or operating agreement of such limited liability company;~~

~~As used in this subsection, the term "holding company" means a corporation which, from its incorporation until consummation of a merger governed by this subsection, was at all times a direct or indirect wholly-owned subsidiary of the constituent corporation and whose capital stock is issued in such merger. From and after the effective time of a merger adopted by a constituent corporation by action of its board of directors and without any vote of stockholders pursuant to this subsection: ~~(i) (1) To the extent the restriction of K.S.A. 17-12,100 et seq. section 7, and amendments thereto, applied to the constituent corporation and its stockholders at the effective time of the merger, such restrictions shall apply to the holding company and its stockholders immediately after the effective time of the merger as though it were the constituent corporation, and all shares of stock of the holding company acquired in the merger shall for the purposes of K.S.A. 17-12,100 et seq. section 7, and amendments thereto, be deemed to have been acquired at the time that the shares of stock of the constituent corporation converted in the merger were acquired, and provided further that any stockholder who immediately prior to the effective time of the merger was not an interested stockholder within the meaning of K.S.A. 17-12,100 et seq. section 7, and amendments thereto, shall not solely by reason of the merger become an interested stockholder of the holding company; and~~ ~~(ii) (2) if the corporate name of the holding company immediately following the effective time of the merger is the same as the corporate name of the constituent corporation immediately prior to the effective time of the merger, the shares of capital stock of the holding company into which the shares of capital stock of the constituent corporation are converted in the merger shall be represented by the stock certificates that previously represented shares of capital stock of the constituent corporation; and~~ ~~(3) to the extent a stockholder of the constituent corporation immediately prior to the~~~~

merger had standing to institute or maintain derivative litigation on behalf of the constituent corporation, nothing in this section shall be deemed to limit or extinguish such standing. If an agreement of merger is adopted by a constituent corporation by action of its board of directors and without any vote of stockholders pursuant to this subsection, the secretary or assistant secretary of the constituent corporation shall certify on the agreement or a certificate of merger that the agreement has been adopted pursuant to this subsection and that the conditions specified in the first sentence of this subsection have been satisfied. ~~The, except that such certification on the agreement or~~ shall not be required if a certificate of merger or consolidation is filled in lieu of filing the agreement. The agreement so adopted and certified shall then be executed, filed and become effective, in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7911, and amendments thereto. Such filing shall constitute a representation by the person who executes the agreement or certificate of merger that the facts stated in the certificate remain true immediately prior to such filing.

(h) (1) Notwithstanding the requirements of subsection (c), unless expressly required by its articles of incorporation, no vote of stockholders of a constituent corporation whose shares are listed on a national securities exchange or held of record by more than 2,000 holders immediately prior to the execution of the agreement of merger by such constituent corporation shall be necessary to authorize a merger if:

(A) The agreement of merger expressly: (i) Permits or requires such merger to be effected under this subsection; and (ii) provides that such merger shall be effected as soon as practicable following the consummation of the offer referred to in subsection (i) (1)(B) if such merger is effected under this subsection;

(B) a corporation consummates a tender or exchange offer for any and all of the outstanding stock of such constituent corporation on the terms provided in such agreement of merger that, absent this subsection, would be entitled to vote on the adoption or rejection of the agreement of merger, except that such offer may exclude stock of such constituent corporation that is owned at the commencement of such offer by: (i) Such constituent corporation; (ii) the corporation making such offer; (iii) any person that owns, directly or indirectly, all of the outstanding stock of the corporation making such offer; or (iv) any direct or indirect wholly owned subsidiary of any of the foregoing;

(C) following the consummation of the offer referred to in subsection (i)(1)(B), the stock irrevocably accepted for purchase or exchange pursuant to such offer and received by the depository prior to expiration of such offer, plus the stock otherwise owned by the consummating corporation equals at least such percentage of the stock, and of each class or series thereof, of such constituent corporation that, absent this subsection, would be required to adopt the agreement of merger by this code and by the articles of incorporation of such constituent corporation;

(D) the corporation consummating the offer described in subsection (i)(1)(B) merges with or into such constituent corporation pursuant to such agreement; and

(E) each outstanding share of each class or series of stock of the constituent corporation that is the subject of and not irrevocably accepted for purchase or exchange in the offer referred to in subsection (i)(1)(B) is to be converted in such merger into, or into the right to receive, the same amount and kind of cash, property, rights or securities to be paid for shares of such class or series of stock of such constituent corporation irrevocably accepted for purchase or exchange in such offer.

(2) As used in this subsection, the term: (A) "Consummates," and with correlative meaning, "consummation" and "consummating," means irrevocably accepts for purchase or exchange stock tendered pursuant to a tender or exchange offer; (B) "depository" means an agent, including a depository, appointed to facilitate consummation of the offer referred to in subsection (i)(1)(B); (C) "person" means any individual, corporation, partnership, limited liability company, unincorporated association or other entity; and (D) "received," solely for purposes of subsection (i)(1) (C), means physical receipt of a stock certificate in the case of certificated shares and transfer into the depository's account, or an agent's message being received by the depository, in the case of uncertificated shares.

(3) If an agreement of merger is adopted without the vote of stockholders of a corporation pursuant to this subsection, the secretary or assistant secretary of the surviving corporation shall certify on the agreement that the agreement has been adopted pursuant to this subsection and that the conditions specified in this subsection, other than the condition listed in subsection (i)(1)(D), have been satisfied, except that such certification on the agreement shall not be required if a certificate of merger is filed in lieu of filing the agreement. The agreement so adopted and certified shall then be executed and filed and shall become effective, in accordance with K.S.A. 2015 Supp. 17-7908 through 17-7911, and amendments thereto. Such filing shall constitute a representation by the person who executes the agreement that the facts stated in the certificate remain true immediately prior to such filing.

Sec. 70. K.S.A. 17-6702 is hereby amended to read as follows: 17-6702. (a) Any one or more corporations of this state may merge or consolidate with one or more other ~~stock~~ corporations of any other state or states of the United States, or of the District of Columbia if the laws of such other jurisdiction permit a corporation of such jurisdiction to merge or consolidate with a corporation of another jurisdiction. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, which may be a corporation of the state of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. In addition, any one or more corporations organized under the laws of any jurisdiction other than one of the United States may merge or consolidate with one or more corporations existing under the laws of this state, if the laws under which the other corporation or corporations are formed permit a corporation of such jurisdiction to merge or consolidate with a corporation of another jurisdiction.

(b) All the constituent corporations shall enter into an agreement of merger or consolidation. The agreement shall state: (1) The terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) the manner, if any, of converting the shares of each of the constituent corporations into shares or other securities of the corporation surviving or resulting from the merger or consolidation, or of cancelling some or all of such shares, and, if any shares of any of the constituent corporations are not to remain outstanding, to be converted solely into shares or other securities of the surviving or resulting corporation or to be cancelled, the cash, property, rights or securities of any other corporation or entity which the holders of such shares are to receive in exchange for, or upon conversion of, such shares and the surrender of any certificates evidencing them, which cash, property, rights or securities of any other

corporation may be in addition to or in lieu of the shares or other securities of the surviving or resulting corporation; (4) such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance or recognition of fractional shares of the surviving or resulting corporation or of any other corporation the securities of which are to be received in the merger or consolidation, or for some other arrangement with respect thereto consistent with the provisions of K.S.A. 17-6405, and amendments thereto; and (5) such other provisions or facts as shall be required to be set forth in articles of incorporation by the laws of the state which are stated in the agreement to be the laws that shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation. Any of the terms of the agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, provided that the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(c) The agreement shall be adopted, approved, certified and executed by each of the constituent corporations in accordance with the laws under which it is formed, and, in the case of a Kansas corporation, in the same manner as provided in K.S.A. 17-6701, and amendments thereto. The agreement shall be filed and shall become effective for all purposes of the laws of this state when and as provided in K.S.A. 17-6701, and amendments thereto, with respect to the merger or consolidation of corporations of this state. In lieu of filing the agreement of merger or consolidation, the surviving or resulting corporation may file a certificate of merger or consolidation, executed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908, and amendments thereto, which states: (1) The name and jurisdiction of incorporation of each of the constituents; (2) that an agreement of merger or consolidation has been approved, adopted, certified and executed by each of the constituent corporations in accordance with this section; (3) the name of the surviving or resulting corporation; (4) in the case of a merger, such amendments or changes in the articles of incorporation of the surviving corporation as are desired to be effected by the merger, which amendments or changes may amend and restate the articles of incorporation of the surviving corporation in their entirety, or, if no such amendments or changes are desired, a statement that the articles of incorporation of the surviving corporation shall be its articles of incorporation; (5) in the case of a consolidation, that the articles of incorporation of the resulting corporation shall be as ~~is~~ are set forth in an attachment to the certificate; (6) that the executed agreement of consolidation or merger is on file at the principal place of business of the surviving or resulting corporation and the address thereof; (7) that a copy of the agreement of consolidation or merger will be furnished by the surviving or resulting corporation, on request and without cost, to any stockholder of any constituent corporation; (8) if the corporation surviving or resulting from the merger or consolidation is to be a corporation of this state, the authorized capital stock of each constituent corporation which is not a corporation of this state; and (9) the agreement, if any, required by subsection (d).

(d) If the corporation surviving or resulting from the merger or consolidation is to be governed by the laws of the District of Columbia or any state or jurisdiction other

than this state, it shall agree that it may be served with process in this state in any proceeding for enforcement of any obligation of any constituent corporation of this state, as well as for enforcement of any obligation of the surviving or resulting corporation arising from the merger or consolidation, including any suit or other proceeding to enforce the right of any ~~stockholder~~ stockholders as determined in appraisal proceedings pursuant to ~~the provisions of~~ K.S.A. 17-6712, and amendments thereto. ~~Such corporation, and~~ shall irrevocably appoint the secretary of state as its agent to accept service of process in any such suit or other proceedings and shall specify the address to which a copy of such process shall be mailed by the secretary of state. ~~Service of such process shall be made by personally delivering to and leaving with the secretary of state duplicate copies of such process. The secretary of state shall forthwith send by registered mail one of such copies.~~ Process may be served upon the secretary of state under this subsection by means of electronic transmission but only as prescribed by the secretary of state. The secretary of state is authorized to issue such rules and regulations with respect to such service as the secretary of state deems necessary or appropriate. In the event of such service upon the secretary of state in accordance with this subsection, the secretary of state shall forthwith notify such surviving or resulting corporation thereof by letter, directed to such surviving or resulting corporation at its address so specified, unless such surviving or resulting corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which case it shall be mailed to the last address so designated. Such letter shall be sent by a mail or courier service that includes a record of mailing or deposit with the courier and a record of delivery evidenced by the signature of the recipient. Such letter shall enclose a copy of the process and any other papers served on the secretary of state pursuant to this subsection. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being effected pursuant to this subsection and to pay the secretary of state the sum of \$40 for the use of the state, which sum and any administrative fees, shall be taxed as part of the costs of the proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain a record of any such service in a manner deemed appropriate by the secretary. The secretary of state shall not be required to retain such information longer than five years from receipt of the service of process.

(c) ~~The provisions of subsection (d) of K.S.A. 17-6701(d), and amendments thereto, shall apply to any merger or consolidation under this section; the provisions of subsection (e) of K.S.A. 17-6701(e), and amendments thereto, shall apply to a merger under this section in which the surviving corporation is a corporation of this state; the provisions of subsection (f) of and K.S.A. 17-6701(f) and (h), and amendments thereto, shall apply to any merger under this section.~~

Sec. 71. K.S.A. 17-6703 is hereby amended to read as follows: 17-6703. (a) In any case in which at least 90% of the outstanding shares of each class of the stock of a corporation or corporations, other than a corporation which has in its articles of incorporation the provisions required by K.S.A. 17-6701(g)(7)(B), and amendments thereto, of which class there are outstanding shares that, absent this subsection, would be entitled to vote on such merger, is owned by another corporation and one of ~~such~~ the corporations is a corporation of this state and the other or others are corporations of this state, ~~or of any other state or states, or of the District of Columbia and the laws of such~~ the other state or states, or the District of Columbia permit a corporation of such

jurisdiction to merge with a corporation of another jurisdiction, the corporation having such stock ownership may either merge ~~such the~~ other corporation or corporations into itself and assume all of its or their obligations, or merge itself, or itself and one or more of such other corporations, into one of such other corporations by executing and filing, in accordance with K.S.A.—17-6003 2015 Supp. 17-7908 through 17-7910, and amendments thereto, a certificate of such ownership and merger setting forth a copy of the resolution of its board of directors to so merge and the date of the adoption thereof, except that in case the parent corporation shall not own all the outstanding stock of all the subsidiary corporations, parties to a merger as provided in this section, the resolution of the board of directors of the parent corporation shall state the terms and conditions of the merger, including the securities, cash, property or rights to be issued, paid, delivered or granted by the surviving corporation upon surrender of each share of the subsidiary corporation or corporations not owned by the parent corporation, or the cancellation of some or all of such shares. Any of the terms of the resolution of the board of directors to so merge may be made dependent upon facts ascertainable outside of such resolution, provided that the manner in which such facts shall operate upon the terms of the resolution is clearly and expressly set forth in the resolution. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation. If the parent corporation ~~is be~~ not the surviving corporation, the resolution shall include provision for the pro rata issuance of stock of the surviving corporation to the holders of the stock of the parent corporation on surrender of any certificates therefor, and the certificate of ownership and merger shall state that the proposed merger has been approved by a majority of the outstanding stock of the parent corporation entitled to vote thereon at a meeting ~~thereof~~ duly called and held after 20 days' notice of the purpose of the meeting mailed to each such stockholder at the stockholder's address as it appears on the records of the corporation, if the parent corporation is a corporation of this state, or the certificate shall state that the proposed merger has been adopted, approved, certified and executed by the parent corporation in accordance with the laws under which it is organized, if the parent corporation is not a corporation of this state. If the surviving corporation exists under the laws of the District of Columbia or any state or jurisdiction other than this state, ~~the provisions of subsection (d) of:~~

(1) K.S.A. 17-6702(d) or 17-6708(c), and amendments thereto, as applicable, shall also apply to a merger under this section; and

(2) the terms and conditions of the merger shall obligate the surviving corporation to fulfill the agreement and take the actions required by K.S.A. 17-6702(d) or 17-6708(c), and amendments thereto, as applicable.

(b) If the surviving corporation is a Kansas corporation, it may change its corporate name by the inclusion of a provision to that effect in the resolution of merger adopted by the directors of the parent corporation and set forth in the certificate of ownership and merger, and upon the effective date of the merger, the name of the corporation shall be changed.

(c) ~~The provisions of subsection (d) of K.S.A. 17-6701(d)~~, and amendments thereto, shall apply to a merger under this section, ~~and the provisions of subsection (e) of K.S.A. 17-6701(e)~~, and amendments thereto, shall apply to a merger under this section in which the surviving corporation is the subsidiary corporation and is a

corporation of this state. References to "agreement of merger" in ~~subsections (d) and (e)~~ of K.S.A. 17-6701 ~~(d) and (e)~~, and amendments thereto, shall mean, for the purposes of this subsection ~~(e)~~, the resolution of merger adopted by the board of directors of the parent corporation. Any merger which effects any changes other than those authorized by this section or made applicable by this subsection shall be accomplished under the provisions of K.S.A. 17-6701 ~~or~~, 17-6702, 17-6707 or 17-6708, and amendments thereto. ~~The provisions of K.S.A. 17-6712, and amendments thereto, shall not apply to any merger effected under this section, except as provided in subsection (d).~~

(d) In the event all of the stock of a subsidiary Kansas corporation party to a merger effected under this section is not owned by the parent corporation immediately prior to the merger, the stockholders of the subsidiary Kansas corporation party to the merger shall have appraisal rights as set forth in K.S.A. 17-6712, and amendments thereto.

(e) A merger may be effected under this section although one or more of the corporations ~~party parties~~ to the merger is a corporation organized under the laws of a jurisdiction other than one of the United States, if: ~~(1) the laws of such jurisdiction permit a corporation of such jurisdiction to merge with a corporation of another jurisdiction; and (2) the surviving corporation shall be a corporation of this state.~~

(f) This section shall apply to nonstock corporations if the parent corporation is such a corporation and is the surviving corporation of the merger, except that references to the directors of the parent corporation shall be deemed to be references to members of the governing body of the parent corporation, and references to the board of directors of the parent corporation shall be deemed to be references to the governing body of the parent corporation.

(g) Nothing in this section shall be deemed to authorize the merger of a corporation with a charitable nonstock corporation, if the charitable status of such charitable nonstock corporation would thereby be lost or impaired.

Sec. 72. K.S.A. 17-6705 is hereby amended to read as follows: 17-6705. (a) Any two or more nonstock corporations of this state, whether or not organized for profit, may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new nonstock corporation, whether or not organized for profit, formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(b) Subject to subsection (d), the governing body of each corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state:

(1) The terms and conditions of the merger or consolidation;  
 (2) the mode of carrying the same into effect;  
 (3) such other provisions or facts required or permitted by this ~~act code~~ to be stated in articles of incorporation for nonstock corporations as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require;

(4) the manner, if any, of converting the memberships or membership interests of each of the constituent corporations into memberships or membership interests of the corporation surviving or resulting from the merger or consolidation, or of cancelling some or all of such memberships or membership interests; and

(5) such other details or provisions as are deemed desirable. Any of the terms of the

agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, provided that the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(c) Subject to subsection (d), the agreement shall be submitted to the members of each constituent corporation who have the right to vote for the election of the members of the governing body of their corporation; at an annual or special meeting thereof for the purpose of acting on the agreement. Due notice of the time, place and purpose of the meeting shall be mailed to each member of each such corporation who has the right to vote for the election of the members of the governing body of the corporation and to each other member who is entitled to vote on the merger under the articles of incorporation or the bylaws of such corporation, at the member's address as it appears on the records of the corporation, at least 20 days prior to the date of the meeting. The notice shall contain a copy of the agreement or a brief summary thereof, ~~as the governing body shall deem advisable.~~ At the meeting the agreement shall be considered and a vote ~~by ballot,~~ in person or by proxy, taken for the adoption or rejection of the agreement; ~~each member who has the right to vote for the election of the members of the governing body of such member's corporation being entitled to one vote. The following vote shall be required for the adoption of the agreement: (1) If~~ A majority of the voting power of members of each such corporation ~~who have the voting power above mentioned shall be for the adoption of the agreement entitled to vote for the election of the members of the governing body of the corporation and any other members entitled to vote on the merger under the articles of incorporation or the bylaws of the corporation, except those corporations that are the subject of paragraph (2); or~~ (2) in the case of a nonstock, nonprofit corporation, other than a nonprofit dental service corporation organized and operated under the nonprofit dental service corporation act, cited at K.S.A. 40-19a01 et seq., and amendments thereto, ~~if a majority of the total number of members voting at an annual or special meeting for the purpose of acting on the agreement vote for the adoption of the agreement, then of each corporation entitled to vote for the election of the members of the governing body of the corporation and any other members entitled to vote on the merger under the articles of incorporation or the bylaws of the corporation voting at the meeting. If the agreement is so adopted,~~ that fact shall be certified on the agreement by the officer of each such corporation performing the duties ordinarily performed by the secretary or assistant secretary of a corporation. ~~The agreement, except that such certification on the agreement shall not be required if a certificate of merger or consolidation is filed in lieu of filing the agreement. If the agreement shall be so adopted and certified by each constituent corporation in accordance with this section, it shall be executed and filed, and shall become effective, in accordance with K.S.A. 17-6003, 2015 Supp. 17-7908 through 17-7911, and amendments thereto. The provisions set forth in the last sentence of subsection (c) of K.S.A. 17-6701(c), and amendments thereto, shall apply to a merger under this section, and the reference therein to "stockholder" shall be deemed to include "member" hereunder.~~

(d) Notwithstanding subsection (b) or (c), if, under the provisions of the articles of incorporation or the bylaws of any one or more of the constituent corporations, there

shall be no members who have the right to vote for the election of the members of the governing body of the corporation, ~~or for the merger~~, other than the members of ~~that body themselves~~, the agreement duly entered into as provided in subsection (b) shall be submitted to the members of the governing body of such corporation or corporations, at a meeting of such corporation or corporations. Notice of the meeting shall be mailed to the members of the governing body in the same manner as is provided in the case of a meeting of the members of a corporation. If at the meeting <sup>2/3</sup> of the total number of members of the governing body shall vote by ballot, in person, for the adoption of the agreement, the governing body themselves, no further action by the governing body or the members of such corporation shall be necessary if the resolution approving an agreement of merger or consolidation has been adopted by a majority of all the members of the governing body thereof, and that fact shall be certified on the agreement in the same manner as is provided in the case of the adoption of the agreement by the vote of the members of a corporation, except that such certification on the agreement shall not be required if a certificate of merger or consolidation is filed in lieu of filing the agreement, and thereafter the same procedure shall be followed to consummate the merger or consolidation.

(e) ~~The provisions of subsection (e) of K.S.A. 17-6701(d)~~, and amendments thereto, shall apply to a merger under this section, except that references to the board of directors, to stockholders, and to shares of a constituent corporation shall be deemed to be references to the governing body of the corporation, to members of the corporation, and to memberships or membership interests, as applicable, respectively.

(f) K.S.A. 17-6701(e), and amendments thereto, shall apply to a merger under this section.

(g) Nothing in this section shall be deemed to authorize the merger of a charitable nonstock corporation into a nonstock corporation if such charitable nonstock corporation would thereby have its charitable status lost or impaired, but a nonstock corporation may be merged into a charitable nonstock corporation which shall continue as the surviving corporation.

Sec. 73. K.S.A. 17-6706 is hereby amended to read as follows: 17-6706. (a) Any one or more nonstock corporations of this state may merge or consolidate with one or more other nonstock corporations of any other state or states of the United States or of the District of Columbia; if the laws of such other ~~jurisdiction state or states or of the District of Columbia~~ permit a corporation of such jurisdiction to merge with a corporation of another jurisdiction. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new nonstock corporation formed by the consolidation, which may be a corporation of the state of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. In addition, any one or more nonstock corporations organized under the laws of any jurisdiction other than one of the United States may merge or consolidate with one or more nonstock corporations of this state if the surviving or resulting corporation will be a corporation of this state, and if the laws under which the other corporation or corporations are formed permit a corporation of such jurisdiction to merge with a corporation of another jurisdiction.

(b) All the constituent corporations shall enter into an agreement of merger or consolidation. The agreement shall state:

- (1) The terms and conditions of the merger or consolidation;
- (2) the mode of carrying the same into effect;
- (3) the manner, if any, of converting the memberships or membership interests of each of the constituent corporations into memberships or membership interests of the corporation surviving or resulting from such merger or consolidation, or of cancelling some or all of such memberships or membership interests;
- (4) such other details and provisions as shall be deemed desirable; and
- (5) such other provisions or facts as shall then be required to be stated in articles of incorporation by the laws of the state which are stated in the agreement to be the laws that shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation. Any of the terms of the agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, if the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(c) The agreement shall be adopted, approved, certified and executed by each of the constituent corporations in accordance with the laws under which it is formed and, in the case of a Kansas corporation, in the same manner as is provided in K.S.A. 17-6705, and amendments thereto. The agreement shall be filed and shall become effective for all purposes of the laws of this state when and as provided in K.S.A. 17-6705, and amendments thereto, with respect to the merger of nonstock corporations of this state. Insofar as they may be applicable, the provisions set forth in the last sentence of ~~subsection (e) of K.S.A. 17-6702(c)~~, and amendments thereto, shall apply to a merger under this section, and the reference therein to "stockholder" shall be deemed to include "member" hereunder.

(d) If the corporation surviving or resulting from the merger or consolidation is to be governed by the laws of any state other than this state, it shall agree that it may be served with process in this state in any proceeding for enforcement of any obligation of any constituent corporation of this state, as well as for enforcement of any obligation of the surviving or resulting corporation arising from the merger or consolidation; and shall irrevocably appoint the secretary of state as its agent to accept service of process in any ~~such~~ suit or other proceedings and shall specify the address to which a copy of such process shall be mailed by the secretary of state. ~~Service of such process shall be made by personally delivering to and leaving with the secretary of state duplicate copies of such process. The secretary of state shall forthwith send by registered mail one of such copies to Process may be served upon the secretary of state under this subsection by means of electronic transmission but only as prescribed by the secretary of state. The secretary of state is authorized to issue such rules and regulations with respect to such service as the secretary of state deems necessary or appropriate. In the event of such service upon the secretary of state in accordance with this subsection, the secretary of state shall forthwith notify such surviving or resulting corporation thereof by letter, directed to such corporation at its address so specified, unless such surviving or resulting corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which case it shall be mailed to the last address so designated. Such letter shall be sent by a mail or courier service that includes a~~

record of mailing or deposit with the courier and a record of delivery evidenced by the signature of the recipient. Such letter shall enclose a copy of the process and any other papers served upon the secretary of state. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being made pursuant to this subsection, and to pay the secretary of state the sum of \$40 for the use of the state, which sum and any administrative fees shall be taxed as a part of the costs in the proceeding if the plaintiff shall prevail therein. The secretary of state shall maintain a record of any such service in a manner deemed appropriate by the secretary. The secretary of state shall not be required to retain such information for a period longer than five years from receipt of the service of process.

(e) ~~The provisions of subsection (e) of K.S.A. 17-6701(e), and amendments thereto,~~ shall apply to a merger under this section, if the corporation surviving the merger is a corporation of this state.

(f) K.S.A. 17-6701(d), and amendments thereto, shall apply to a merger under this section, except that references to the board of directors, to stockholders, and to shares of a constituent corporation shall be deemed to be references to the governing body of the corporation, to members of the corporation, and to memberships or membership interests, as applicable, respectively.

(g) Nothing in this section shall be deemed to authorize the merger of a charitable nonstock corporation into a nonstock corporation, if the charitable status of such charitable nonstock corporation would thereby be lost or impaired, but a nonstock corporation may be merged into a charitable nonstock corporation which shall continue as the surviving corporation.

Sec. 74. K.S.A. 17-6707 is hereby amended to read as follows: 17-6707. (a) Any one or more nonstock corporations of this state, whether or not organized for profit, may merge or consolidate with one or more stock corporations of this state, whether or not organized for profit. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. The surviving constituent corporation or the new corporation may be organized for profit or not organized for profit and may be a stock corporation or a nonstock corporation.

(b) The board of directors of each stock corporation which desires to merge or consolidate and the governing body of each nonstock corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state:

- (1) The terms and conditions of the merger or consolidation;
- (2) the mode of carrying the same into effect;
- (3) such other provisions or facts required or permitted by this ~~act~~ code to be stated in articles of incorporation as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require;

- (4) the manner, if any, of converting the shares of stock of a stock corporation and the memberships or membership interests of ~~the members of~~ a nonstock corporation into shares or other securities of a stock corporation or memberships or membership interests of a nonstock corporation surviving or resulting from such merger or

consolidation; or of cancelling some or all of such shares or memberships or membership interests, and, if any shares of any such stock corporation or memberships or membership interests of any such nonstock corporation are not to remain outstanding, to be converted solely into shares or other securities of the stock corporation or memberships or membership interests of the nonstock corporation surviving or resulting from such merger or consolidation or to be cancelled, the cash, property, rights or securities of any other corporation or entity which the holders of shares of any such stock corporation or memberships or membership interests of any such nonstock corporation are to receive in exchange for, or upon conversion of such shares or memberships or membership interests, and the surrender of any certificates evidencing them, which cash, property, rights; or securities of any other corporation or entity may be in addition to or in lieu of shares or other securities of any stock corporation or memberships or membership interests of any nonstock corporation surviving or resulting from such merger or consolidation; and

(5) such other details or provisions as are deemed desirable.

In such merger or consolidation, the memberships or membership interests of ~~members of~~ a constituent nonstock corporation may be treated in various ways so as to convert such memberships or membership interests into interests of value, other than shares of stock, in the surviving or resulting stock corporation or into shares of stock in the surviving or resulting stock corporation, voting or nonvoting, or into creditor interests or any other interests of value equivalent to their memberships or membership interests in their nonstock corporation. The voting rights of members of a constituent nonstock corporation need not be considered an element of value in measuring the reasonable equivalence of the value of the interests received in the surviving or resulting stock corporation by members of a constituent nonstock corporation, nor need the voting rights of shares of stock in a constituent stock corporation be considered as an element of value in measuring the reasonable equivalence of the value of the interests in the surviving or resulting nonstock corporation received by stockholders of a constituent stock corporation, and the voting or nonvoting shares of a stock corporation may be converted into ~~voting or nonvoting regular, life, general, special or other~~ any type of membership or membership interest, however designated, creditor interests or participating interests, in ~~any~~ the nonstock corporation surviving or resulting from such merger or consolidation of a stock corporation and a nonstock corporation. Any of the terms of the agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, provided that the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation. The term "facts," as used in the preceding sentence, includes, but is not limited to, the occurrence of any event, including a determination or action by any person or body, including the corporation.

(c) The agreement required by subsection (b), in the case of each constituent stock corporation, shall be adopted, approved, certified and executed by each constituent corporation in the same manner as is provided in K.S.A. 17-6701, and amendments thereto, and, in the case of each constituent nonstock corporation, shall be adopted, approved, certified and executed by each of such constituent corporations in the same manner as is provided in K.S.A. 17-6705, and amendments thereto. The agreement shall be filed and shall become effective for all purposes of the laws of this state when and as provided in K.S.A. 17-6701, and amendments thereto, with respect to the merger of

stock corporations of this state. Insofar as they may be applicable, the provisions set forth in the last sentence of ~~subsection (e) of K.S.A. 17-6701(e)~~, and amendments thereto, shall apply to a merger under this section, and the reference therein to "stockholder" shall be deemed to include "member" hereunder.

(d) ~~The provisions of subsection (e) of K.S.A. 17-6701(e)~~, and amendments thereto, shall apply to a merger under this section, if the surviving corporation is a corporation of this state; ~~the provisions of subsection (d) of K.S.A. 17-6701, and amendments thereto, shall apply to any constituent stock corporation participating in a merger or consolidation under this section; and the provisions of subsection (f) of, and K.S.A. 17-6701(f)~~, and amendments thereto, shall apply to any constituent stock corporation participating in a merger under this section.

(e) K.S.A. 17-6701(d), and amendments thereto, shall apply to a merger under this section, except that, for purposes of a constituent nonstock corporation, references to the board of directors, to stockholders, and to shares of a constituent corporation shall be deemed to be references to the governing body of the corporation, to members of the corporation, and to memberships or membership interests, as applicable, respectively.

(f) Nothing in this section shall be deemed to authorize the merger of a charitable nonstock corporation into a stock corporation, if the charitable status of such nonstock corporation would thereby be lost or impaired; but a stock corporation may be merged into a charitable nonstock corporation which shall continue as the surviving corporation.

Sec. 75. K.S.A. 17-6708 is hereby amended to read as follows: 17-6708. (a) Any one or more corporations of this state, whether stock or nonstock corporations and whether or not organized for profit, may merge or consolidate with one or more other corporations of any other state or states of the United States or of the District of Columbia, whether stock or nonstock corporations and whether or not organized for profit, if the laws under which the other corporation or corporations are formed shall permit such a corporation of such jurisdiction to merge with a corporation of another jurisdiction. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, which may be a corporation of the place of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. The surviving or new corporation may be either a stock corporation or a ~~membership nonstock~~ corporation, as shall be specified in the agreement of merger required by subsection (b) ~~of this section~~.

(b) The method and procedure to be followed by the constituent corporations so merging or consolidating shall be as prescribed in K.S.A. 17-6707, and amendments thereto, in the case of Kansas corporations. The agreement of merger or consolidation shall also set forth such other matters or provisions as shall then be required to be set forth in articles of incorporation by the laws of the state which are stated in the agreement to be the laws which shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation. The agreement, in the case of foreign corporations, shall be adopted, approved, certified and executed by each of the constituent foreign corporations in accordance with the laws under which each is formed.

(c) The requirements of ~~subsection (d) of K.S.A. 17-6702(d)~~, and amendments

thereto, as to the appointment of the secretary of state to receive process and the manner of serving the same in the event the surviving or new corporation is to be governed by the laws of any other state shall also apply to mergers or consolidations effected under the provisions of this section. ~~The provisions of subsection (e) of K.S.A. 17-6701(e), and amendments thereto, shall apply to mergers effected under the provisions of this section if the surviving corporation is a corporation of this state; the provisions of subsection (d) of K.S.A. 17-6701(d), and amendments thereto, shall apply to any constituent stock corporation participating in a merger or consolidation under this section, except that for purposes of a constituent nonstock corporation, references to the board of directors, to stockholders, and to shares shall be deemed to be references to the governing body of the corporation, to members of the corporation, and to memberships or membership interests of the corporation, as applicable, respectively; and the provisions of subsection (f) of K.S.A. 17-6701(f), and amendments thereto, shall apply to any constituent stock corporation participating in a merger under this section.~~

(d) Nothing in this section shall be deemed to authorize the merger of a charitable nonstock corporation into a stock corporation, if the charitable status of such nonstock corporation would thereby be lost or impaired; but a stock corporation may be merged into a charitable nonstock corporation which shall continue as the surviving corporation.

Sec. 76. K.S.A. 17-6710 is hereby amended to read as follows: 17-6710. When two or more corporations are merged or consolidated, the corporation surviving or resulting from the merger or consolidation may issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect the merger or consolidation. For the purpose of securing the payment of any such bonds and obligations, it shall be lawful for the surviving or resulting corporation to mortgage its corporate franchise, rights, privileges and property, real, personal or mixed. The surviving or resulting corporation may issue ~~certificated or uncertificated shares~~ certificates of its capital stock or uncertificated stock if authorized to do so and other securities to the stockholders of the constituent corporations in exchange or payment for the original shares, in such amount as shall be necessary in accordance with the terms of the agreement of merger or consolidation in order to effect such merger or consolidation in the manner and on the terms specified in the agreement.

Sec. 77. K.S.A. 17-6712 is hereby amended to read as follows: 17-6712. (a) When Any stockholder of a corporation of this state who holds shares of stock on the date of the making of a demand pursuant to subsection (d) with respect to such shares, who continuously holds such shares through the effective date of the merger or consolidation, who has otherwise complied with subsection (d) and who has neither voted in favor of the merger or consolidation nor consented thereto in writing pursuant to K.S.A. 17-6518, and amendments thereto, shall be entitled to an appraisal by the district court of the fair value of the stockholder's shares of stock under the circumstances described in subsections (b) and (c). As used in this section, the word "stockholder" means a holder of record of stock in a stock corporation and also a member of record of a nonstock corporation; the words "stock" and "share" mean and include what is ordinarily meant by those words and also membership or membership interest of a member of a nonstock corporation; and the words "depository receipt"

mean a receipt or other instrument issued by a depository representing an interest in one or more shares, or fractions thereof, solely of stock of a corporation, which stock is deposited with the depository.

~~(b)-(4)~~ Appraisal rights shall be available for the shares of any class or series of stock of a constituent corporation in a merger or consolidation to be effected pursuant to K.S.A. 17-6701, and amendments thereto, other than a merger effected pursuant to ~~subsection (g) of K.S.A. 17-6701(g), and amendments thereto, and subject to subsection (b)(3), K.S.A. 17-6701(h), 17-6702, 17-6704, 17-6705, 17-6706, 17-6707, and 17-6708 or 17-7703, and amendments thereto, except that:~~

~~(A) (1)~~ No appraisal rights under this section shall be available for the shares of any class or series of stock, which stock, or depository receipts in respect thereof, at the record date fixed to determine the stockholders entitled to receive notice of ~~and to vote at~~ the meeting of stockholders to act upon the agreement of merger or consolidation, were either: ~~(A) Listed on a national securities exchange or designated as a national market system security on an interdealer quotation system by the national association of securities dealers, inc.;~~ or ~~(B) held of record by more than 2,000 holders;~~ ~~(B), except that~~ no appraisal rights shall be available for any shares of stock of the constituent corporation surviving a merger if the merger did not require for its approval the vote of the stockholders of the surviving corporation as provided in ~~subsection (f) of K.S.A. 17-6701(f), and amendments thereto.~~

~~(2) Notwithstanding the provisions of subsections (b)(1)(A) and (b)(1)(B) subsection (b)(1), appraisal rights under this section shall be available for the shares of any class or series of stock of a constituent corporation if the holders thereof are required by the terms of an agreement of merger or consolidation pursuant to K.S.A. 17-6701, 17-6702, 17-6704, 17-6705, 17-6706, 17-6707, and 17-6708 and 17-7703, and amendments thereto, to accept for such stock anything except:~~

~~(A) Shares of stock of the corporation surviving or resulting from such merger or consolidation, or depository receipts in respect of such shares of stock thereof;~~

~~(B) shares of stock of any other corporation, or depository receipts in respect of such shares of stock thereof, which shares of stock, or depository receipts in respect of such shares of stock thereof, or depository receipts at the effective date of the merger or consolidation will be either listed on a national securities exchange or designated as a national market system security on an interdealer quotation system by the national association of securities dealers, inc. or held of record by more than 2,000 holders;~~

~~(C) cash in lieu of fractional shares or fractional depository receipts described in the foregoing subparagraphs (A) and (B); or~~

~~(D) any combination of the shares of stock, depository receipts and cash in lieu of fractional shares or fractional depository receipts described in the foregoing subparagraphs (A), (B) and (C).~~

~~(3) In the event all of the stock of a subsidiary Kansas corporation party to a merger effected under K.S.A. 17-6701(h) or 17-6703, and amendments thereto, is not owned by the parent corporation immediately prior to the merger, appraisal rights shall be available for the shares of the subsidiary Kansas corporation.~~

~~(c) Any corporation may provide in its articles of incorporation that appraisal rights under this section shall be available for the shares of any class or series of its stock as a result of an amendment to its articles of incorporation, any merger or consolidation in which the corporation is a constituent corporation or the sale of all or substantially all of~~

the assets of the corporation. If the articles of incorporation ~~contains~~ contain such a provision, the procedures of this section, including those set forth in subsections (d) and (e), shall apply as nearly as is practicable.

(d) Appraisal rights shall be perfected as follows:

(1) If a proposed merger or consolidation for which appraisal rights are provided under this section is to be submitted for approval at a meeting of stockholders, the corporation, not less than 20 days prior to the meeting, shall notify each of its stockholders who was such on the record date for notice of such meeting, or such members who received notice in accordance with K.S.A. 17-6705, and amendments thereto, with respect to shares for which appraisal rights are available pursuant to subsection (b) or (c) that appraisal rights are available for any or all of the shares of the constituent corporations, and shall include in such notice a copy of this section and, if one of the constituent corporations is a nonstock corporation, a copy of section 4, and amendments thereto. Each stockholder electing to demand the appraisal of such stockholder's shares shall deliver to the corporation, before the taking of the vote on the merger or consolidation, a written demand for appraisal of such stockholder's shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends thereby to demand the appraisal of such stockholder's shares. A proxy or vote against the merger or consolidation shall not constitute such a demand. A stockholder electing to take such action must do so by a separate written demand as herein provided. Within 10 days after the effective date of such merger or consolidation, the surviving or resulting corporation shall notify each stockholder of each constituent corporation who has complied with this subsection and has not voted in favor of or consented to the merger or consolidation of the date that the merger or consolidation has become effective; or

(2) If the merger or consolidation was approved pursuant to K.S.A. 17-6518, 17-6701(h) or ~~K.S.A. 17-6703,~~ and amendments thereto, then, either a constituent corporation before the effective date of the merger or consolidation; or the surviving or resulting corporation within 10 days thereafter; shall notify each of the holders of any class or series of stock of such constituent corporation who are entitled to appraisal rights of the approval of the merger or consolidation and that appraisal rights are available for any or all shares of such class or series of stock of such constituent corporation, and shall include in such notice a copy of this section and, if one of the constituent corporations is a nonstock corporation, a copy of section 4, and amendments thereto. Such notice may, and, if given on or after the effective date of the merger or consolidation, shall, also notify such stockholders of the effective date of the merger or consolidation. Any stockholder entitled to appraisal rights may, within 20 days after the date of mailing of such notice or, in the case of a merger approved pursuant to K.S.A. 17-6701(h), and amendments thereto, within the later of the consummation of the tender or exchange offer contemplated by K.S.A. 17-6701(h), and amendments thereto, and 20 days after the date of mailing of such notice, demand in writing from the surviving or resulting corporation the appraisal of such holder's shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends thereby to demand the appraisal of such holder's shares. If such notice did not notify stockholders of the effective date of the merger or consolidation, either: (A) Each such constituent corporation shall send a second notice before the effective date of the merger or consolidation notifying each of the holders of

any class or series of stock of such constituent corporation that are entitled to appraisal rights of the effective date of the merger or consolidation; or (B) the surviving or resulting corporation shall send such a second notice to all such holders on or within 10 days after such effective date; provided, however, that if such second notice is sent more than 20 days following the sending of the first notice, or, in the case of a merger approved pursuant to K.S.A. 17-6701(h), and amendments thereto, later than the later of the consummation of the tender or exchange offer contemplated by K.S.A. 17-6701(h), and amendments thereto, and 20 days following the sending of the first notice, such second notice need only be sent to each stockholder who is entitled to appraisal rights and who has demanded appraisal of such holder's shares in accordance with this subsection. An affidavit of the secretary or assistant secretary or of the transfer agent of the corporation that is required to give either notice that such notice has been given shall, in the absence of fraud, be prima facie evidence of the facts stated therein. For purposes of determining the stockholders entitled to receive either notice, each constituent corporation may fix, in advance, a record date that shall be not more than 10 days prior to the date the notice is given, provided, that if the notice is given on or after the effective date of the merger or consolidation, the record date shall be such effective date. If no record date is fixed and the notice is given prior to the effective date, the record date shall be the close of business on the day next preceding the day on which the notice is given.

(e) Within 120 days after the effective date of the merger or consolidation, the surviving or resulting corporation or any stockholder who has complied with subsections (a) and (d) and who is otherwise entitled to appraisal rights, ~~may file~~ commence an appraisal proceeding by filing a petition in the district court demanding a determination of the value of the stock of all such stockholders. Notwithstanding the foregoing, at any time within 60 days after the effective date of the merger or consolidation, any stockholder who has not commenced an appraisal proceeding or joined that proceeding as a named party shall have the right to withdraw such stockholder's demand for appraisal and to accept the terms offered upon the merger or consolidation. Within 120 days after the effective date of the merger or consolidation, any stockholder who has complied with the requirements of ~~subsection subsections~~ (a) and (d), upon written request, shall be entitled to receive from the corporation surviving the merger or resulting from the consolidation a statement setting forth the aggregate number of shares not voted in favor of the merger or consolidation and with respect to which demands for appraisal have been received and the aggregate number of holders of such shares. Such written statement shall be mailed to the stockholder within 10 days after such stockholder's written request for such a statement is received by the surviving or resulting corporation or within 10 days after expiration of the period for delivery of demands for appraisal under subsection (d), whichever is later. Notwithstanding subsection (a), a person who is the beneficial owner of shares of such stock held either in a voting trust or by a nominee on behalf of such person may, in such person's own name, file a petition or request from the corporation the statement described in this subsection.

(f) Upon the filing of any such petition by a stockholder, service of a copy thereof shall be made upon the surviving or resulting corporation, which shall within 20 days after such service file in the office of the clerk of the court in which the petition was filed a duly verified list containing the names and addresses of all stockholders who

have demanded payment for their shares and with whom agreements as to the value of their shares have not been reached by the surviving or resulting corporation. If the petition shall be filed by the surviving or resulting corporation, the petition shall be accompanied by such a duly verified list. The clerk of the court, if so ordered by the court, shall give notice of the time and place fixed for the hearing of such petition by registered or certified mail to the surviving or resulting corporation and to the stockholders shown on the list at the addresses therein stated. Such notice shall also be given by one or more publications at least one week before the day of the hearing, in a newspaper of general circulation published in the county in which the court is located or such publication as the court deems advisable. The forms of the notices by mail and by publication shall be approved by the court, and the costs thereof shall be borne by the surviving or resulting corporation.

(g) At the hearing on such petition, the court shall determine the stockholders who have complied with this section and who have become entitled to appraisal rights. The court may require the stockholders who have demanded an appraisal for their shares and who hold stock represented by certificates to submit their certificates of stock to the clerk of the court for notation thereon of the pendency of the appraisal proceedings; and if any stockholder fails to comply with such direction, the court may dismiss the proceedings as to such stockholder.

(h) ~~After determining the court determines~~ the stockholders entitled to an appraisal, ~~the court shall appraise the shares, determining their fair value appraisal proceeding shall be conducted in accordance with the rules of the district court, including any rules specifically governing appraisal proceedings. Through such proceeding the court shall determine the fair value of the shares~~ exclusive of any element of value arising from the accomplishment or expectation of the merger or consolidation, together with ~~a fair rate of interest, if any, to be paid upon the amount determined to be the fair value. In determining such fair value, the court shall take into account all relevant factors. In determining the fair rate of interest, the court may consider all relevant factors, including the rate of interest which the surviving or resulting corporation would have had to pay to borrow money during the pendency of the proceeding. Unless the court in its discretion determines otherwise for good cause shown, interest from the effective date of the merger through the date of payment of the judgment shall be compounded quarterly and shall accrue at 5% over the federal reserve discount rate, including any surcharge, as established from time to time during the period between the effective date of the merger and the date of payment of the judgment.~~ Upon application by the surviving or resulting corporation or by any stockholder entitled to participate in the appraisal proceeding, the court may, in its discretion, ~~permit discovery or other pretrial proceedings and may proceed to trial upon the appraisal prior to the final determination of the stockholder stockholders~~ entitled to an appraisal. Any stockholder whose name appears on the list filed by the surviving or resulting corporation pursuant to subsection (f) and who has submitted such stockholder's certificates of stock to the clerk of the court, if such is required, may participate fully in all proceedings until it is finally determined that such stockholder is not entitled to appraisal rights under this section.

(i) The court shall direct the payment of the fair value of the shares, together with interest, if any, by the surviving or resulting corporation to the stockholders entitled thereto. ~~Interest may be simple or compound, as the court may direct.~~ Payment shall be so made to each such stockholder, in the case of holders of uncertificated stock

forthwith, and the case of holders of shares represented by certificates upon the surrender to the corporation of the certificates representing such stock. The court's decree may be enforced as other decrees in the district court may be enforced, whether such surviving or resulting corporation be a corporation of this state or of any state.

(j) The costs of the proceeding may be determined by the court and taxed upon the parties as the court deems equitable in the circumstances. Upon application of a stockholder, the court may order all or a portion of the expenses incurred by any stockholder in connection with the appraisal proceeding, including, without limitation, reasonable ~~attorney's~~ attorney fees and the fees and expenses of experts, to be charged pro rata against the value of all the shares entitled to an appraisal.

(k) From and after the effective date of the merger or consolidation, no stockholder who has demanded appraisal rights as provided in subsection (d) shall be entitled to vote such stock for any purpose or to receive payment of dividends or other distributions on the stock, except dividends or other distributions payable to stockholders of record at a date which is prior to the effective date of the merger or consolidation; provided, however, that if no petition for an appraisal shall be filed within the time provided in subsection (e), or if such stockholder shall deliver to the surviving or resulting corporation a written withdrawal of such stockholder's demand for an appraisal and an acceptance of the merger or consolidation, either within 60 days after the effective date of the merger or consolidation as provided in subsection (e) or thereafter with the written approval of the corporation, then the right of such stockholder to an appraisal shall cease. Notwithstanding the foregoing, no appraisal proceeding in the district court shall be dismissed as to any stockholder without the approval of the court, and such approval may be conditioned upon such terms as the court deems just, except that this provision shall not affect the right of any stockholder who has not commenced an appraisal proceeding or joined that proceeding as a named party to withdraw such stockholder's demand for appraisal and to accept the terms offered upon the merger or consolidation within 60 days after the effective date of the merger or consolidation, as set forth in subsection (e).

(l) The shares of the surviving or resulting corporation to which the shares of such objecting stockholders would have been converted had they assented to the merger or consolidation shall have the status of authorized and unissued shares of the surviving or resulting corporation.

Sec. 78. K.S.A. 17-6801 is hereby amended to read as follows: 17-6801. (a) Every corporation may at any meeting of its board of directors ~~may or governing body~~ sell, lease or exchange all or substantially all of its property and assets, including its ~~good will~~ goodwill and its corporate franchises, upon such terms and conditions and for such consideration, which may consist in whole or in part of money or other property, including shares of stock in, ~~or and~~ other securities of, ~~or both,~~ any other corporation or corporations, as its board of directors or governing body deems expedient and for the best interests of the corporation, when and as authorized by a resolution adopted at a meeting duly called upon at least 20 days' notice as follows: (1) By the holders of a majority of the outstanding stock of the corporation entitled to vote thereon ~~or;~~ (2) in the case of non-stock nonstock corporations, other than those corporations that are the subject of the next paragraph, by a majority of the members thereof entitled to vote for the election of the members of the governing body and any other members entitled to vote thereon, at a meeting thereof duly called upon at least 20 days' notice under the

articles of incorporation or the bylaws of such corporation; or (3) in the case of nonprofit nonstock corporations, other than a nonprofit dental service corporation organized and operated under the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto, by a majority of the members entitled to vote for the election of the members of the governing body of the corporation and any other members entitled to vote thereon under the articles of incorporation or the bylaws of such corporation voting at such meeting. The notice of the meeting shall state that such a resolution will be considered.

(b) Notwithstanding authorization or consent to a proposed sale, lease or exchange of a corporation's property and assets ~~pursuant to subsection (a) by the stockholders or members~~, the board of directors ~~or governing body~~ may abandon such proposed sale, lease or exchange without further action by the stockholders or members, ~~as the case may be~~, subject to the rights, if any, of third parties under any contract relating thereto.

(c) For purposes of this section only, the property and assets of the corporation include the property and assets of any subsidiary of the corporation. As used in this subsection, "subsidiary" means any entity wholly owned and controlled, directly or indirectly, by the corporation and includes, without limitation, corporations, partnerships, limited partnerships, limited liability partnerships, limited liability companies and statutory trusts. Notwithstanding subsection (a), except to the extent the articles of incorporation otherwise provide, no resolution by stockholders or members shall be required for a sale, lease or exchange of property and assets of the corporation to a subsidiary.

Sec. 79. K.S.A. 17-6803 is hereby amended to read as follows: 17-6803. ~~Before beginning~~ If a corporation has not issued shares or has not commenced the business for which the corporation was organized, a majority of the incorporators, or, if directors were named in the articles of incorporation or have been elected, a majority of the directors, may surrender all of the corporation's rights and franchises by filing in the office of the secretary of state a certificate, executed by a majority of the incorporators or directors, stating that: (a) No shares of stock have been issued or that the business or activity for which the corporation was organized has not been begun; that (b) no part of the capital of the corporation has been paid or, if some capital has been paid, that the amount actually paid in for the corporation's shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto; that (c) if the corporation has begun business but it has not issued shares, all debts of the corporation have been paid; (d) if the corporation has not begun business but has issued stock certificates, all issued stock certificates, if any, have been surrendered and canceled; and that (e) all rights and franchises of the corporation are surrendered. Upon the filing of such certificate becoming effective in accordance with K.S.A. ~~47-6003~~ 2015 Supp. 17-7911, and amendments thereto, the corporation shall be dissolved.

Sec. 80. K.S.A. 17-6804 is hereby amended to read as follows: 17-6804. (a) If it is should be deemed advisable in the judgment of the board of directors of any corporation that it should be dissolved, the board, after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, shall ~~give notice by mail to each stockholder entitled to vote on a dissolution~~ cause notice of the adoption of the resolution and of a meeting of stockholders to take action upon the resolution to be mailed to each stockholder entitled to vote thereon as of the record date for determining the stockholders entitled to notice of the meeting.

~~(b) At the meeting a vote shall be taken for and against the proposed dissolution. If a majority of the outstanding stock of the corporation entitled to vote votes for the proposed dissolution, a certificate stating that the dissolution has been authorized in accordance with the provisions of this section and setting forth the names and residences of the directors and officers shall be executed and filed in accordance with K.S.A. 17-6003 and amendments thereto. The secretary of state, upon being satisfied that the requirements of this section have been complied with, shall issue a certificate that the certificate has been filed, and thereupon, the corporation shall be dissolved upon the proposed dissolution. If a majority of the outstanding stock of the corporation entitled to vote thereon shall vote for the proposed dissolution, a certificate of dissolution shall be filed with the secretary of state pursuant to subsection (d).~~

~~(c) Whenever all the stockholders entitled to vote on a dissolution shall consent in writing to a dissolution, either in person or by duly authorized attorney, no meeting of directors or stockholders shall be necessary, but on filing the consent in the office of the secretary of state in accordance with K.S.A. 17-6003, and amendments thereto, the secretary of state, upon being satisfied that the requirements of this section have been complied with, shall issue a certificate that the consent to dissolution has been filed, and thereupon the corporation shall be dissolved. In the event that the consent is signed by an attorney, the original power of attorney or a photocopy thereof shall be attached to and filed with the consent. The consent filed with the secretary of state shall have attached to it the affidavit of the secretary or some other officer of the corporation stating that the consent has been signed by or on behalf of all the stockholders entitled to vote on a dissolution; in addition there shall be attached to the consent a certification by the secretary or some officer of the corporation setting forth the names and residences of the directors and officers of the corporation. Dissolution of a corporation may also be authorized without action of the directors if all the stockholders entitled to vote thereon shall consent in writing and a certificate of dissolution shall be filed with the secretary of state pursuant to subsection (d).~~

~~(d) If dissolution is authorized in accordance with this section, a certificate of dissolution shall be executed and filed, and shall become effective, in accordance with K.S.A. 2015 Supp. 17-7908 through 17-7911, and amendments thereto. Such certificate of dissolution shall set forth:~~

- ~~(1) The name of the corporation;~~
- ~~(2) the date dissolution was authorized;~~
- ~~(3) that the dissolution has been authorized by the board of directors and stockholders of the corporation, in accordance with subsections (a) and (b), or that the dissolution has been authorized by all of the stockholders of the corporation entitled to vote on a dissolution, in accordance with subsection (c); and~~
- ~~(4) the names and addresses of the directors and officers of the corporation.~~

~~(e) The resolution authorizing a proposed dissolution may provide that notwithstanding authorization or consent to the proposed dissolution by the stockholders, or the members of a nonstock corporation pursuant to K.S.A. 17-6805, and amendments thereto, the board of directors or governing body may abandon such proposed dissolution without further action by the stockholders or members.~~

~~(f) Upon a certificate of dissolution becoming effective in accordance with K.S.A. 2015 Supp. 17-7911, and amendments thereto, the corporation shall be dissolved.~~

~~(g) If the stockholders of a corporation having only two stockholders, each of~~

which owns 50% of the stock therein, are unable to agree upon the desirability of dissolving the corporation and disposing of the corporate assets, either stockholder may file with the district court a petition stating that it desires to dissolve the corporation and to dispose of the assets thereof in accordance with a plan to be agreed upon by both stockholders. Such petition shall have attached thereto a copy of the proposed plan of dissolution and distribution and a certificate stating that copies of such petition and plan have been transmitted in writing to the other stockholder and to the directors and officers of such corporation.

Unless both stockholders file with the district court: (1) Within three months of the date of the filing of such petition, a certificate stating that they have agreed on such plan, or a modification thereof; and (2) within one year from the date of the filing of such petition, a certificate stating that the distribution provided by such plan has been completed, the court may either: (A) Dissolve such corporation and, by appointment of one or more receivers with all the powers and title of a receiver appointed under K.S.A. 17-6808, and amendments thereto, may administer and wind up its affairs; (B) order the redemption of the stock of one of the stockholders on such terms as are just and equitable; or (C) decline to grant any relief. Either or both of the above periods of time may be extended by agreement of the stockholders, evidenced by a certificate filed with the court prior to the expiration of such period.

Sec. 81. K.S.A. 17-6805 is hereby amended to read as follows: 17-6805. (a) Whenever it shall be desired to dissolve any nonstock corporation ~~having no capital stock~~, the governing body shall perform all the acts necessary for dissolution which are required by K.S.A. 17-6804, and amendments thereto, to be performed by the board of directors of a corporation having capital stock. ~~If~~ The following members of a nonstock corporation ~~having no capital stock are entitled to vote for the election of members of its governing body~~, they shall perform all the acts necessary for dissolution which are required by K.S.A. 17-6804, and amendments thereto, to be performed by the stockholders of a corporation having capital stock, including dissolution without action of the members of the governing body if all the members of the corporation entitled to vote thereon shall consent in writing and a certificate of dissolution shall be filed with the secretary of state pursuant to K.S.A. 17-6804(d), and amendments thereto: (1) Any members entitled to vote for the election of the members of its governing body and any other members entitled to vote for dissolution under the articles of incorporation or the bylaws of such corporation, except those corporations that are the subject of the next paragraph; or (2) in the case of a nonprofit nonstock corporation, other than a nonprofit dental service corporation organized and operated under the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto, any members entitled to vote for the election of the members of its governing body and any other members entitled to vote for dissolution under the articles of incorporation or the bylaws of such corporation voting at the meeting. If there is no member entitled to vote ~~on such dissolution thereon~~, the dissolution of the corporation shall be authorized at a meeting of the governing body, upon the adoption of a resolution to dissolve by the vote of a majority of members of its governing body then in office. In all other respects, the method and proceedings for the dissolution of a nonstock corporation ~~having no capital stock~~ shall conform as nearly as may be ~~possible~~ to the proceedings prescribed by K.S.A. 17-6804, and amendments thereto, for the dissolution of corporations having capital stock.

(b) If a nonstock corporation ~~having no capital stock~~ has not commenced the business for which the corporation was organized, a majority of the governing body or, if none, a majority of the incorporators may surrender all of the corporation's rights and franchises by filing in the office of the secretary of state a certificate, executed by a majority of the incorporators or governing body, conforming as nearly as may be possible to the certificate prescribed by K.S.A. 17-6803, and amendments thereto.

Sec. 82. K.S.A. 17-6805a is hereby amended to read as follows: 17-6805a. Notwithstanding any provision of law or the articles of incorporation, the articles of incorporation of each nonprofit corporation that qualifies otherwise for an exemption under section 501(c)(3) of the internal revenue code of 1986, ~~as amended (26 U.S.C. § 501(c)(3))~~, shall be considered to contain the following provision:

~~Upon the dissolution of the corporation, the board of directors or governing body of the corporation, after paying or providing for the payment of all liabilities of the corporation, shall dispose of all the assets of the corporation exclusively: (1) In accordance with the purposes of the corporation, in the manner determined by the board of directors or governing body; or (2) to organizations qualified for exemption under section 501(c)(3) of the internal revenue code of 1986, as amended (26 U.S.C. § 501(e)(3)), and specified by the board of directors or governing body. Any assets of the corporation not so disposed of shall be disposed of by the district court of the county where the principal office of the corporation is then located, exclusively for the purposes or to the organizations provided above, as determined by the court assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the internal revenue code of 1986 or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the district court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as the court shall determine, which are organized and operated exclusively for such purposes.~~

Sec. 83. K.S.A. 17-6807 is hereby amended to read as follows: 17-6807. ~~(a) All corporations, whether they expire by their own limitation or are otherwise dissolved, including revocation or forfeiture of articles of incorporation pursuant to K.S.A. 17-6812 or 17-7510, and amendments thereto, shall be continued, nevertheless, for the term of three years from such expiration or dissolution or for such longer period as the district court in its discretion shall direct, bodies corporate for the purpose of prosecuting and defending suits, whether civil, criminal or administrative, by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, to discharge their liabilities and to distribute to their stockholders any remaining assets, but not for the purpose of continuing the business for which the corporation was organized. With respect to any action, suit or proceeding begun by or against the corporation either prior to or within three years after the date of its expiration or dissolution, the action shall not abate by reason of the dissolution of the corporation; and~~ The corporation shall, solely for the purpose of such action, suit or proceeding, be continued as a body corporate beyond the three-year period and until any judgments, orders or decrees ~~thereon~~ therein shall be fully executed, without the necessity for any special direction to that effect by the district court.

(b) K.S.A. 17-6808 through 17-6811 and section 6, and amendments thereto, shall apply to any corporation that has expired by its own limitation, and when so applied, all

references in those sections to a dissolved corporation or dissolution shall include a corporation that has expired by its own limitation and to such expiration, respectively.

Sec. 84. K.S.A. 17-6808 is hereby amended to read as follows: 17-6808. When any corporation organized under this ~~act~~ code shall be dissolved in any manner whatever, the district court, on application of any creditor, stockholder or director of the corporation, or any other person who shows good cause therefor, at any time, may either ~~may~~ appoint one or more of the directors of the corporation to be trustees, or appoint one or more ~~other~~ persons to be receivers, of and for the corporation, ~~or both~~, to take charge of the corporation's property, and to collect the debts and property due and belonging to the corporation, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by the corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation. The powers of the trustees or receivers may be continued as long as the court shall think necessary for the purposes aforesaid.

Sec. 85. K.S.A. 17-6809 is hereby amended to read as follows: 17-6809. The district court shall have jurisdiction of ~~the~~ any application prescribed in ~~K.S.A. 17-6808~~ this article and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue injunctions therein as justice and equity shall require.

Sec. 86. K.S.A. 17-6810 is hereby amended to read as follows: 17-6810. ~~The directors or, if appointed by the district court, the receivers of a dissolved corporation, after payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose. If there shall be any balance remaining after the payment of the debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation or their legal representatives~~

(a) (1) A dissolved corporation or successor entity which has followed the procedures described in section 6, and amendments thereto, shall:

(A) Pay the claims made and not rejected in accordance with section 6(a), and amendments thereto;

(B) post the security offered and not rejected pursuant to section 6(b)(2), and amendments thereto;

(C) post any security ordered by the district court in any proceeding under section 6(c), and amendments thereto; and

(D) pay or make provision for all other claims that are mature, known and uncontested or that have been finally determined to be owing by the corporation or such successor entity.

(2) Such claims or obligations shall be paid in full and any such provision for payment shall be made in full if there are sufficient assets. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority, and, among claims of equal priority, ratably to the extent of assets legally available therefor. Any remaining assets shall be distributed to the stockholders of the

dissolved corporation, except that such distribution shall not be made before the expiration of 150 days from the date of the last notice of rejections given pursuant to section 6(a)(4), and amendments thereto. In the absence of actual fraud, the judgment of the directors of the dissolved corporation or the governing persons of such successor entity as to the provision made for the payment of all obligations under subsection (a)(1)(D) shall be conclusive.

(b) (1) A dissolved corporation or successor entity which has not followed the procedures described in section 6, and amendments thereto, shall, prior to the expiration of the period described in K.S.A. 17-6807, and amendments thereto, adopt a plan of distribution pursuant to which the dissolved corporation or successor entity shall:

(A) Pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional or unmatured contractual claims known to the corporation or such successor entity;

(B) make such provision as will be reasonably likely to be sufficient to provide compensation for any claim against the corporation which is the subject of a pending action, suit or proceeding to which the corporation is a party; and

(C) make such provision as will be reasonably likely to be sufficient to provide compensation for claims that have not been made known to the corporation or that have not arisen but that, based on facts known to the corporation or successor entity, are likely to arise or to become known to the corporation or successor entity within 10 years after the date of dissolution.

(2) The plan of distribution shall provide that such claims shall be paid in full and any such provision for payment made shall be made in full if there are sufficient assets. If there are insufficient assets, such plan shall provide that such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of assets legally available therefor. Any remaining assets shall be distributed to the stockholders of the dissolved corporation.

(c) Directors of a dissolved corporation or governing persons of a successor entity which has complied with subsection (a) or (b) shall not be personally liable to the claimants of the dissolved corporation.

(d) As used in this section, the term "successor entity" has the meaning set forth in section 6(e), and amendments thereto.

(e) As used in this section, the term "priority" does not refer either to the order of payments set forth in subsection (a)(1) or to the relative times at which any claims mature or are reduced to judgment.

(f) In the case of a nonprofit nonstock corporation, provisions of this section regarding distributions to members shall not apply to the extent that those provisions conflict with any other applicable law or with that corporation's articles of incorporation or bylaws.

Sec. 87. K.S.A. 17-6811 is hereby amended to read as follows: 17-6811. If any corporation becomes dissolved in any manner whatever before final judgment is obtained in any action pending or commenced in any court of this state against the corporation, the action shall not abate by reason thereof, but the dissolution of the corporation being suggested upon the record, and the names of the receivers of the corporation being entered upon the record, and notice thereof served upon the receivers, or if such service be impracticable, upon the counsel of record in such case, the action shall proceed to final judgment against the receivers in the name of the corporation

(a) A stockholder of a dissolved corporation the assets of which were distributed pursuant to K.S.A. 17-6810(a) or (b), and amendments thereto, shall not be liable for any claim against the corporation in an amount in excess of such stockholder's pro rata share of the claim or the amount so distributed to such stockholder, whichever is less.

(b) A stockholder of a dissolved corporation the assets of which were distributed pursuant to K.S.A. 17-6810(a), and amendments thereto, shall not be liable for any claim against the corporation on which an action, suit or proceeding is not begun prior to the expiration of the period described in K.S.A. 17-6807, and amendments thereto.

(c) The aggregate liability of any stockholder of a dissolved corporation for claims against the dissolved corporation shall not exceed the amount distributed to such stockholder in dissolution.

Sec. 88. K.S.A. 17-6812 is hereby amended to read as follows: 17-6812. (a) The district court shall have jurisdiction to revoke or forfeit the articles of incorporation of any corporation for abuse, misuse or nonuse of its corporate powers, privileges or franchises. The attorney general shall, upon his the attorney general's own motion or upon the relation of a proper party, ~~shall~~ proceed for this purpose by ~~commencing a quo warranto action~~ petition in the district court of the county in which the registered office of the corporation is located.

(b) The district court shall have power, by appointment of receivers or otherwise, to administer and wind up the affairs of any corporation whose articles of incorporation shall be revoked or forfeited by any court under any section of this ~~act~~ code or otherwise, and to make such orders and decrees with respect thereto as shall be just and equitable respecting its affairs and assets and the rights of its stockholders and creditors.

(c) No proceeding shall be instituted under this section for nonuse of any corporation's powers, privileges or franchises during the first two ~~(2)~~ years after its incorporation.

Sec. 89. K.S.A. 17-6813 is hereby amended to read as follows: 17-6813. Whenever any corporation is dissolved or its articles of incorporation forfeited by decree or judgment of the district court, the decree or judgment shall be forthwith filed by the clerk of such district court in which the decree or judgment was entered and in the office of the secretary of state, and a note thereof shall be made by the secretary of state on the corporation's articles of incorporation.

Sec. 90. K.S.A. 17-6902 is hereby amended to read as follows: 17-6902. (a) Trustees or receivers appointed by the district court of and for any corporation, and their respective survivors and successors, upon their appointment and qualification or upon the death, resignation or discharge of any co-trustee or co-receiver, shall be vested by operation of law and without any act or deed with the title of the corporation to all of its property, real, personal or mixed of whatsoever nature, kind, class or description, and wheresoever situate, except real estate situated outside this state.

(b) Within 20 days after the date of their qualification, trustees or receivers appointed by the court shall file in the office of the register of deeds of each county in this state in which any real estate belonging to the corporation may be situated, a certified copy of the order of their appointment and evidence of their qualification.

(c) This section shall not apply to receivers appointed pendente lite.

Sec. 91. K.S.A. 17-6903 is hereby amended to read as follows: 17-6903. All notices required to be given to stockholders and creditors in any action in which a trustee or receiver for a corporation was appointed shall be given by the clerk of the district court

or in the manner provided by any applicable section of the code of civil procedure, unless otherwise ordered by the district court.

Sec. 92. K.S.A. 17-6904 is hereby amended to read as follows: 17-6904. As soon as convenient, trustees or receivers shall file in the office of the clerk of the district court of the county in which the proceeding is pending, a full and complete itemized inventory of all the assets of the corporation, which shall show their nature and probable value, and an account of all debts due from and to the corporation, as nearly as the same can be ascertained. They shall make a report to the court of their proceedings whenever and as often as the court shall direct.

Sec. 93. K.S.A. 17-6905 is hereby amended to read as follows: 17-6905. All creditors shall make proof under oath of their respective claims against the corporation and shall cause such proof of claim to be filed in the office of the clerk of the district court of the county in which the proceeding is pending ~~within six months from the date of the appointment of a receiver for the corporation, or within such other period of time if the court shall so order and direct~~ the time fixed by and in accordance with the procedure established by the district court. All creditors and claimants failing to do so, within the time limited by this section, or the time prescribed by the order of the court, may be barred by the court from participating in the distribution of the assets of the corporation. The court also may prescribe what notice, by publication or otherwise, shall be given to the creditors of the time fixed for the filing and making proof of claims.

Sec. 94. K.S.A. 17-6906 is hereby amended to read as follows: 17-6906. (a) The clerk of the district court, immediately upon the expiration of the time fixed for the filing of claims, in compliance with the provisions of K.S.A. 17-6905, and amendments thereto, shall notify the trustee or receiver of the filing of the claims, and the trustee or receiver, within 30 days after receiving the notice, shall inspect the claims, and if the trustee or receiver or any creditor shall not be satisfied with the validity or correctness of the same, or any of them, the trustee or receiver shall forthwith notify the creditors whose claims are disputed of such decision. The trustee or receiver shall require all creditors whose claims are disputed to submit themselves to such examination in relation to their claims as the trustee or receiver shall direct, and the creditors shall produce such books and papers relating to their claims as shall be required. The trustee or receiver shall have power to examine, under oath or affirmation, all witnesses produced before the trustee or receiver touching the claims, and shall ~~recommend to the court the allowance or disallowance of~~ pass upon and allow or disallow the claims, or any part thereof, and notify the claimants of such determination.

(b) ~~The court shall approve, disapprove or modify the recommendations of the receiver and shall cause notice thereof to be given to the claimants. Within 30 days after receipt of such notice, any creditor or claimant dissatisfied with the court's determination shall have the right to a hearing thereon. Every creditor or claimant who shall have received notice from the receiver or trustee that such creditor's or claimant's claim has been disallowed in whole or in part may appeal to the district court within 30 days thereafter.~~ The court, after hearing, shall determine the rights of the parties. ~~Any party aggrieved thereby may appeal to the supreme court as a matter of right from the order or decree expressing such determination.~~

Sec. 95. K.S.A. 17-6907 is hereby amended to read as follows: 17-6907. Whenever the property of a corporation is at the time of the appointment of a trustee or receiver

encumbered with liens of any character, and the validity, extent or legality of any such lien is disputed or brought in question, and the property of the corporation is of a character which will deteriorate in value pending the litigation respecting the lien, the district court may order the receiver or trustee to sell the property of the corporation, clear of all encumbrances, at public or private sale, for the best price that can be obtained therefor. The net proceeds arising from the sale thereof, after deducting the costs of the sale, shall be paid into the court, there to remain subject to the order of the court, and to be disposed of as the court shall direct.

Sec. 96. K.S.A. 17-6908 is hereby amended to read as follows: 17-6908. The district court, before making distribution of the assets of a corporation among the creditors or stockholders thereof, shall allow and pay out of the assets: ~~(1) (a)~~ A reasonable compensation to the trustee or receiver for the trustee's or receiver's services; ~~(2) (b)~~ the cost and expenses incurred in and about the execution of ~~the receivership such trustee's or receiver's trust~~, including reasonable ~~attorneys' attorney~~ fees; and ~~(3) (c)~~ the costs of the proceedings in the court.

Sec. 97. K.S.A. 17-6909 is hereby amended to read as follows: 17-6909. A trustee or receiver, upon application by the trustee or receiver in the court in which any suit is pending, shall be substituted as party plaintiff in the place of the corporation in any suit or proceeding which was so pending at the time of the trustee's or receiver's appointment. No action against a trustee or receiver of a corporation shall abate by reason of the trustee's or receiver's death, but, upon suggestion of the facts on the record, shall be continued against the trustee's or receiver's successor or against the corporation in case no new trustee or receiver is appointed.

Sec. 98. K.S.A. 17-6910 is hereby amended to read as follows: 17-6910. Whenever any corporation of this state, or any foreign corporation doing business in this state, shall become insolvent, the employees doing labor or service of whatever character in the regular employ of the corporation, shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding two months' wages, respectively, which shall be paid prior to any other debt or debts of the corporation. The word "employee" as used in this section shall not be construed to include ~~anyone owning or controlling a majority of the voting stock or voting power~~ any of the officers of the corporation.

Sec. 99. K.S.A. 17-6911 is hereby amended to read as follows: 17-6911. The liquidation of the assets and business of an insolvent corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the district court in its discretion, and subject to such condition as it may deem appropriate, may dismiss the proceedings and direct the trustee or receiver to redeliver to the corporation all of its remaining property and assets.

Sec. 100. K.S.A. 17-6913 is hereby amended to read as follows: 17-6913. (a) Any corporation of this state, ~~a plan of reorganization of which, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, has been or shall be confirmed by the decree or order of a court of competent jurisdiction an order for relief with respect to which has been entered pursuant to the federal bankruptcy reform act of 1978 (11 U.S.C. §§ 101 et seq.), may put into effect and carry out the plan and the any decrees and orders of the court or judge relative thereto in such bankruptcy proceeding, and may take any proceeding and do any act~~

~~provided in the plan~~ corporate action provided or directed by such decrees and orders, without further action by its directors or stockholders. Such power and authority may be exercised, and such ~~proceedings and acts~~ corporate action may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such corporation appointed or elected in the ~~reorganization~~ bankruptcy proceedings, or a majority thereof, or if none be appointed or elected and acting, by designated officers of the corporation, or by a ~~master or other~~ representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the directors and stockholders of the corporation.

(b) In the manner provided in subsection (a) ~~of this section~~, but without limiting the generality or effect of the foregoing, such corporation may: Alter, amend or repeal its bylaws; constitute or reconstitute and classify or reclassify its board of directors, and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its articles of incorporation, and make any change in its capital or capital stock, or any other amendment, change or alteration, or provision, authorized by this ~~act~~ code; be dissolved, transfer all or part of its assets, merge or consolidate as permitted by this ~~act~~ code, except that no stockholder shall have any statutory right of appraisal of such stockholder's stock; change the location of its registered office, change its resident agent and remove or appoint any agent to receive service of process; authorize and fix the terms, manner and conditions of, the issuance of bonds, debentures or other obligations, whether or not convertible into stock of any class, or bearing warrants or other evidences of optional rights to purchase or subscribe for stock of any class; or lease its property and franchises to any corporation, if permitted by law.

(c) A certificate of any amendment, change or alteration, or of dissolution, or any agreement of merger or consolidation, made by such corporation pursuant to the provisions of this section, shall be filed with the secretary of state in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7910, and amendments thereto, and, subject to ~~subsection (d) of K.S.A. 17-6003~~ 2015 Supp. 17-7911, and amendments thereto, shall thereupon become effective in accordance with its terms and the provisions of ~~the instrument as provided in this subsection~~. Such certificate, agreement of merger or other instrument shall be made and executed, as may be directed by such decrees or orders, by the trustee or trustees appointed or elected in the ~~reorganization~~ bankruptcy proceedings, or a majority thereof, or, if none be appointed or elected and acting, by the officers of the corporation, or by a ~~master or other~~ representative appointed by the court, and shall certify that provision for the making of such certificate, agreement or instrument is contained in a decree or order of a court having jurisdiction of a proceeding under ~~such applicable statute of the United States for the reorganization of such corporation~~ the federal bankruptcy reform act of 1978 (11 U.S.C. §§ 101 et seq.).

(d) The provisions of this section shall cease to apply to such corporation upon the entry of a final decree in the ~~reorganization~~ bankruptcy proceedings closing the case and discharging the trustee or trustees, if any, will not affect the validity of any act previously performed pursuant to subsections (a) through (c).

(e) On filing any certificate, agreement, report or other paper made or executed pursuant to the provisions of this section, there shall be paid to the secretary of state for the use of the state the same fees as are payable by corporations not in ~~reorganization~~ bankruptcy upon the filing of like certificates, agreements, reports or other papers.

Sec. 101. K.S.A. 17-7001 is hereby amended to read as follows: 17-7001. (a) At any time prior to the expiration of three years following the dissolution of a corporation pursuant to K.S.A. 17-6804, and amendments thereto, or, at any time prior to the expiration of such longer period as the court may have directed pursuant to K.S.A. 17-6807, and amendments thereto, a corporation may revoke the dissolution theretofore effected by it in the following manner:

(1) For purposes of this section, the term "stockholders" shall mean the stockholders of record on the date the dissolution became effective.

(2) The board of directors shall adopt a resolution recommending that the dissolution be revoked and directing that the question of the revocation be submitted to a vote at a special meeting of stockholders.

~~(2)(3)~~ (3) Notice of the special meeting of stockholders shall be given in accordance with K.S.A. 17-6512, and amendments thereto, to each stockholder whose shares were entitled to vote upon a proposed dissolution before the corporation was dissolved of the stockholders.

~~(2)(4)~~ (4) At the meeting, a vote of the stockholders shall be taken on the a resolution to revoke the dissolution. If a majority of the stock of the corporation which was outstanding and entitled to vote upon a dissolution at the time of its dissolution shall be voted for the resolution, a certificate of revocation of dissolution shall be executed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto, which shall state:

~~(i)~~ (A) The name of the corporation;

~~(B)~~ (B) the address of the corporation's registered office in this state, which shall be stated in accordance with K.S.A. 2015 Supp. 17-7924(c), and amendments thereto, and the name of its resident agreement at such address;

~~(ii)~~ (C) the names and respective addresses of its officers;

~~(iii)~~ (D) the names and respective addresses of its directors; and

~~(iv)~~ (E) that a majority of the stock of the corporation which was outstanding and entitled to vote upon a dissolution at the time of its dissolution have voted in favor of a resolution to revoke the dissolution, or that, if applicable, in lieu of a meeting and vote of stockholders, the stockholders have given their written consent to the revocation in accordance with K.S.A. 17-6518, and amendments thereto.

(b) Upon the filing in the office of the secretary of state of the certificate of revocation of dissolution in the office of the secretary of state, the revocation of the dissolution shall become effective and the corporation may again carry on its business.

~~(c) If, after the dissolution of any such corporation became effective, any other corporation organized under the laws of this state shall have adopted the same name as such corporation, or shall have adopted a name so nearly similar thereto as not to distinguish it from such corporation, or any foreign corporation shall have qualified to do business in this state under the same name as such corporation or under a name so nearly similar thereto as not to distinguish it from such corporation, then such corporation shall not be reinstated under the same name which it bore when its dissolution became effective. In such case, it shall adopt and be reinstated under some other name, and the certificate to be filed under the provisions of this section shall set forth the name borne by such corporation at the time its dissolution became effective and the new name under which it is to be reinstated.~~

~~(d)~~ (d) Upon the filing of the certificate with the secretary of state to which subsection

(b) refers, the provisions of ~~subsection (d) of~~ K.S.A. 17-6501(c), and amendments thereto, shall govern, and the period of time the corporation was in dissolution shall be included within the calculation of the 30-day and 13-month periods to which ~~subsection (d) of~~ K.S.A. 17-6501(c), and amendments thereto, refers. An election of directors, however, may be held at the special meeting of stockholders to which subsection (a) refers, and, in that event, that meeting of stockholders shall be deemed an annual meeting of stockholders for purposes of ~~subsection (d) of~~ K.S.A. 17-6501(c), and amendments thereto.

(d) If, after the dissolution became effective, any other entity identified in K.S.A. 2015 Supp. 17-7918, and amendments thereto, shall have adopted the same name as the corporation, or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation, or any foreign covered entity shall have qualified to do business in this state under the same name as the corporation or under a name so nearly similar thereto as not to distinguish it from the corporation, then, in such case, the corporation shall not be reinstated under the same name which it bore when its dissolution became effective, but shall adopt and be reinstated under some other name, and in such case the certificate to be filed under this section shall set forth the name borne by the corporation at the time its dissolution became effective and the new name under which the corporation is to be reinstated.

(e) Nothing in this section shall be construed to affect the jurisdiction or power of the district court under K.S.A. 17-6808 and 17-6809, and amendments thereto.

(f) At any time prior to the expiration of three years following the dissolution of a nonstock corporation pursuant to K.S.A. 17-6805, and amendments thereto, or, at any time prior to the expiration of such longer period as the district court may have directed pursuant to K.S.A. 17-6807, and amendments thereto, a nonstock corporation may revoke the dissolution effected by it in a manner analogous to that by which the dissolution was authorized, including: (1) If applicable, a vote of the members entitled to vote, if any, on the dissolution; and (2) the filing of a certificate of revocation of dissolution containing information comparable to that required by subsection (a)(4). Notwithstanding the foregoing, only subsections (b), (d) and (e) shall apply to nonstock corporations.

Sec. 102. K.S.A. 2015 Supp. 17-7002 is hereby amended to read as follows: 17-7002. (a) As used in this section, the term: (1) "Articles of incorporation" includes the articles of incorporation of a corporation organized under any special act or any law of this state; and (2) "authority to engage in business" includes the registration of any foreign corporation under K.S.A. 2015 Supp. 17-7931, and amendments thereto.

(b) Any corporation may procure an extension, renewal or reinstatement, at any time before the expiration of the time limited for its existence and any corporation whose articles of incorporation or authority to engage in business has become forfeited or void pursuant to this code and any corporation whose articles of incorporation or authority to engage in business has expired by reason of failure to renew it or whose articles of incorporation or authority to engage in business has been renewed, but, through failure to comply strictly with the provisions of this code, the validity of whose renewal has been brought into question, at any time procure an extension, renewal or reinstatement of its articles of incorporation, if a domestic corporation, or its authority to engage in business, if a foreign corporation, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts and liabilities which had

been secured or imposed by its original articles of incorporation, and all amendments thereto, or by its authority to engage in business, as the case may be, ~~and may designate a new registered office and resident agent in the following instances:~~

~~(1) At any time before the expiration of the time limited for the corporation's existence;~~

~~(2) at any time, where the corporation's articles of incorporation, if a domestic corporation, or the authority to engage in business, if a foreign corporation, has become inoperative by law for nonpayment of taxes or fees, or failure to file its annual report;~~

~~(3) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has expired by reason of failure to renew it;~~

~~(4) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has been renewed, but through failure to comply strictly with the provisions of this act, the validity of such renewal has been brought into question; and~~

~~(5) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has been forfeited pursuant to K.S.A. 2015 Supp. 17-7929 or 17-7934, and amendments thereto by complying with the requirements of this section.~~

~~(b) (c)~~ The extension, renewal or reinstatement of the articles of incorporation or authority to engage in business may be procured by executing and filing a certificate in accordance with K.S.A. 2015 Supp. 17-7908 through 17-7910, and amendments thereto.

~~(e) (d)~~ The certificate required by subsection ~~(b) (c)~~ shall state:

(1) The name of the corporation, which shall be the existing name of the corporation or the name it bore when its articles of incorporation or authority to engage in business expired, except as provided in subsection ~~(e) (f)~~ and the date of filing of its original articles of incorporation with the secretary of state;

(2) ~~if a new registered office and resident agent is designated,~~ the address of the corporation's registered office in this state, which shall ~~include the street, city and zip code~~ be stated in accordance with K.S.A. 2015 Supp. 17-7924(c), and amendments thereto, and the name of its resident agent at such address;

(3) whether or not the renewal, or reinstatement is to be perpetual and, if not perpetual, the time for which the renewal or reinstatement is to continue; and, in case of renewal before the expiration of the time limited for its existence, the date when the renewal is to commence, which shall be prior to the date of the expiration of the old articles of incorporation or authority to engage in business which it is desired to renew;

(4) that the corporation desiring to be renewed or reinstated and so renewing or reinstating its corporate existence was duly organized under the laws of the state of its original incorporation;

(5) the date when the articles of incorporation or the authority to engage in business would expire, if such is the case, or such other facts as may show that the articles of incorporation or the authority to engage in business has become ~~inoperative~~ forfeited or void pursuant to this code, or that the validity of any renewal has been brought into question; and

(6) that the certificate for reinstatement is filed by authority of those who were directors or members of the governing body of the corporation at the time its articles of

incorporation or the authority to engage in business expired, or who were elected directors or members of the governing body of the corporation as provided in subsection ~~(e)~~ (h).

~~(d)~~ (e) Upon the filing of the certificate in accordance with K.S.A. 2015 Supp. 17-7908 through 17-7910, and amendments thereto, the corporation shall be renewed or reinstated with the same force and effect as if its articles of incorporation or authority to engage in business had not ~~become inoperative and void been forfeited or void pursuant to this code~~ or had not expired by limitation. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its articles of incorporation or authority to engage in business by the corporation, its officers and agents during the time when its articles of incorporation ~~were inoperative or authority to engage in business was forfeited~~ or void pursuant to this code, or after their expiration by limitation, with the same force and effect and to all intents and purposes as if the articles of incorporation had at all times remained in full force and effect. All real and personal property, rights and credits, which belonged to the corporation at the time its articles of incorporation ~~became inoperative or authority to engage in business became forfeited~~ or void pursuant to this code, or expired by limitation and which were not disposed of prior to the time of its renewal or reinstatement shall be vested in the corporation after its renewal or reinstatement, as fully and amply as they were held by the corporation at and before the time its articles of incorporation ~~became inoperative or authority to engage in business became forfeited~~ or void pursuant to this code, or expired by limitation, and the corporation after its renewal or reinstatement shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its articles of incorporation or authority to engage in business had ~~remained~~ at all times remained in full force and effect.

~~(e)~~ (f) If, since the articles of incorporation became ~~inoperative or void for nonpayment of taxes or fees, or, failure to file annual reports forfeited or void pursuant to this code~~, or expired by limitation, any other corporation organized under the laws of this state shall have adopted the same name as the corporation sought to be renewed or reinstated or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or reinstated, or any foreign corporation registered in accordance with K.S.A. 2015 Supp. 17-7931, and amendments thereto, shall have adopted the same name as the corporation sought to be renewed or reinstated, or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or reinstated, then in such case the corporation to be renewed or reinstated shall not be renewed under the same name which it bore when its articles of incorporation became ~~inoperative forfeited or void pursuant to this code~~ or expired, but shall adopt or be renewed under some other name; and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the corporation at the time its articles of incorporation became ~~inoperative forfeited~~ or void pursuant to this code, or expired and the new name under which the corporation is to be renewed or reinstated.

~~(f)~~ (g) Any corporation ~~seeking to renew or reinstate that renews or reinstates its articles of incorporation under the provisions of this act or authority to engage in business under this code~~ shall file all annual reports and pay to the secretary of state an amount equal to all fees and any penalties thereon due. Nonprofit corporations shall file

only the annual reports for the three most recent reporting periods, but shall pay all fees due.

~~(g)~~ (h) If a sufficient number of the last acting officers of any corporation desiring to renew or reinstate its articles of incorporation are not available by reason of death, unknown address or refusal or neglect to act, the directors of the corporation or those remaining on the board, even if only one, may elect successors to such officers. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the stockholders may elect a full board of directors, as provided by the bylaws of the corporation, and the board shall then elect such officers as are provided by law, by the articles of incorporation or by the bylaws to carry on the business and affairs of the corporation. A special meeting of the stockholders for the ~~purpose~~ purposes of electing directors may be called by any officer, director or stockholder upon notice given in accordance with K.S.A. 17-6512, and amendments thereto.

~~(h)~~ (i) After a reinstatement of the articles of incorporation of the corporation shall have been effected, ~~except where the provisions of K.S.A. 17-6501(c), and amendments thereto, shall govern and the period of time the articles of incorporation of the corporation was forfeited pursuant to this code, or after its expiration by limitation, shall be included within the calculation of the 30-day and 13-month periods to which K.S.A. 17-6501(c), and amendments thereto, refers.~~ A special meeting of stockholders ~~has been called~~ held in accordance with the provisions of subsection ~~(g)~~, the officers who signed the certificate of reinstatement jointly shall call forthwith a special subsection (h) shall be deemed an annual meeting of the stockholders of the corporation upon notice given in accordance with K.S.A. 17-6512, and amendments thereto, and at the special meeting the stockholders shall elect a full board of directors, which board shall then elect such officers as are provided by law, by the articles of incorporation or the bylaws to carry on the business and affairs of the corporation for purposes of K.S.A. 17-6501(c), and amendments thereto.

~~(i)~~ (j) Whenever it shall be desired to renew or reinstate the articles of incorporation or authority to engage in business of any nonstock corporation ~~not for profit and having no capital stock~~, the governing body shall perform all the acts necessary for the renewal or reinstatement of the articles of incorporation of the corporation or its authority to engage in business which are performed by the board of directors in the case of a corporation having capital stock; and the members of any nonstock corporation not for profit and having no capital stock who are entitled to vote for the election of members of its governing body and any other members entitled to vote for dissolution under the articles of incorporation or bylaws of such corporation shall perform all the acts necessary for the renewal or reinstatement of the articles of incorporation of the corporation or its authority to engage in business which are performed by the stockholders in the case of a corporation having capital stock. In all other respects, the procedure for the renewal or reinstatement of the articles of incorporation ~~of a corporation not for profit and having no capital stock or authority to engage in business of a nonstock corporation~~ shall conform, as nearly as may be applicable, to the procedure prescribed in this section for the renewal or ~~reinstatement~~ revival of the articles of incorporation of a corporation having capital stock, ~~except that subsection (i) shall not apply to nonstock corporations.~~

Sec. 103. K.S.A. 17-7003 is hereby amended to read as follows: 17-7003. Any corporation desiring to renew, extend and continue its corporate existence, shall, upon

complying with the provisions of K.S.A. 17-7002, and amendments thereto, ~~shall be and continue as a corporation~~ for the time stated in its certificate of renewal, as a corporation and shall, in addition to the rights, privileges and immunities conferred by its articles of incorporation, ~~shall~~ possess and enjoy all the benefits of this ~~aet code~~, which are applicable to the nature of its business, and shall be subject to the restrictions and liabilities ~~imposed by this aet code~~ imposed on such corporations.

Sec. 104. K.S.A. 17-7101 is hereby amended to read as follows: 17-7101. (a) When the officers, directors or stockholders of any corporation shall be liable by the provisions of this ~~aet code~~ to pay the debts of the corporation, or any part thereof, any person to whom they are liable may have an action against any one or more of them. The petition in any such action shall state the claim against the corporation and the ground on which the plaintiff expects to charge the defendants personally.

(b) No suit shall be brought against any officer, director or stockholder for any debt of a corporation of which ~~he such person~~ is an officer, director or stockholder, until judgment be obtained therefor against the corporation and execution thereon returned unsatisfied.

Sec. 105. K.S.A. 17-7102 is hereby amended to read as follows: 17-7102. When any officer, director or stockholder shall pay any debt of a corporation for which ~~he such person~~ is made liable by the provisions of this ~~aet, he code~~, such person may recover the amount so paid in an action against the corporation for money paid for its use. In any such action, only the property of the corporation shall be liable to be taken, and not the property of any stockholder.

Sec. 106. K.S.A. 17-7201 is hereby amended to read as follows: 17-7201. (a) K.S.A. 17-7201 ~~to through~~ 17-7216, ~~inclusive and amendments thereto~~, apply to all close corporations, as defined in K.S.A. 17-7202, and amendments thereto. Unless a corporation elects to become a close corporation under the foregoing sections in the manner prescribed therein, it shall be subject in all respects to the provisions of this ~~aet code~~, except the provisions of K.S.A. 17-7201 ~~to through~~ 17-7216, ~~inclusive and amendments thereto~~.

(b) All provisions of this ~~aet code~~ shall be applicable to all close corporations, as defined in K.S.A. 17-7202, and amendments thereto, except as otherwise provided in K.S.A. 17-7201 ~~to through~~ 17-7216, ~~inclusive and amendments thereto~~.

Sec. 107. K.S.A. 17-7203 is hereby amended to read as follows: 17-7203. A close corporation shall be formed in accordance with K.S.A. 17-6001; and 17-6002 and ~~17-6003~~ K.S.A. 2015 Supp. 17-7908 through 17-7910, and amendments thereto, except that:

(a) Its articles of incorporation shall contain a heading stating the name of the corporation and that it is a close corporation; and

(b) Its articles of incorporation shall contain the provisions required by K.S.A. 17-7202, and amendments thereto.

Sec. 108. K.S.A. 17-7204 is hereby amended to read as follows: 17-7204. Any corporation organized under the ~~laws of this state~~ Kansas general corporation code may become a close corporation under K.S.A. 17-7201 through 17-7216, and amendments thereto, by executing and filing, in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto, a certificate of amendment of its articles of incorporation which shall contain: ~~(1)~~ (a) A statement that it elects to become a close corporation; ~~(2)~~ (b) the provisions required by K.S.A. 17-7202, and amendments

thereto, to appear in the articles of incorporation of a close corporation; and ~~(3)~~ (c) a heading stating the name of the corporation and that it is a close corporation. Such amendment shall be adopted in accordance with the requirements of K.S.A. 17-6601 or 17-6602, and amendments thereto, except that it must be approved by a vote of the holders of record of at least  $\frac{2}{3}$  of the shares of each class of stock of the corporation which are outstanding.

Sec. 109. K.S.A. 17-7205 is hereby amended to read as follows: 17-7205. A close corporation continues to be such and to be subject to the provisions of K.S.A. 17-7201 ~~to through~~ 17-7216, ~~inclusive and amendments thereto~~, until:

(a) It files with the secretary of state a certificate of amendment deleting from its articles of incorporation the provisions required or permitted by K.S.A. 17-7202, and amendments thereto, to be stated in the articles of incorporation to qualify it as a close corporation; or

(b) any one of the provisions or conditions required or permitted by K.S.A. 17-7202, and amendments thereto, to be stated in the articles of incorporation to qualify a corporation as a close corporation has been breached, in fact, and neither the corporation nor any of its stockholders takes the steps required by K.S.A. 17-7208, and amendments thereto, to prevent such loss of status or to remedy such breach.

Sec. 110. K.S.A. 17-7206 is hereby amended to read as follows: 17-7206. (a) A corporation may voluntarily terminate its status as a close corporation and cease to be subject to the provisions of this ~~act code~~ relating thereto by amending its articles of incorporation to delete therefrom the additional provisions required or permitted by K.S.A. 17-7202, and amendments thereto, to be stated in the articles of incorporation of a close corporation. Any such amendment shall be adopted and shall become effective in accordance with K.S.A. 17-6602, and amendments thereto, except that it must be approved by vote of the holders of record of at least ~~two-thirds~~ ( $\frac{2}{3}$ ) of the shares of each class of stock of the corporation which are outstanding.

(b) The articles of incorporation of a close corporation may provide that on any amendment to terminate its status as a close corporation, a vote greater than ~~two-thirds~~ ( $\frac{2}{3}$ ) or a vote of all shares of any class shall be required; and if the articles of incorporation contain such a provision, that provision shall not be amended, repealed or modified by any vote less than ~~that required to terminate the corporation's status as a close corporation~~ such greater vote.

Sec. 111. K.S.A. 2015 Supp. 17-7207 is hereby amended to read as follows: 17-7207. (a) If stock of a close corporation is issued or transferred to any person who is not entitled under any provision of the articles of incorporation permitted by ~~subsection (b) of~~ K.S.A. 17-7202, (b), and amendments thereto, to be a holder of record of stock of such corporation, and if the certificate for such stock conspicuously notes or the corporation has notified the registered owner of uncertificated stock pursuant to K.S.A. 17-6401(f), and amendments thereto, of the qualifications of the persons entitled to be holders of record thereof, such person is conclusively presumed to have notice of the fact of ~~his~~ such person's ineligibility to be a stockholder.

(b) If the articles of incorporation of a close corporation state the number of persons, not in excess of 35, who are entitled to be holders of record of its stock, and if the certificate for such stock conspicuously states or the corporation has notified the registered owner of uncertificated stock pursuant to K.S.A. 17-6401(f), and amendments thereto, of such number, and if the issuance or transfer of stock to any

person would cause the stock to be held by more than such number of persons, the person to whom such stock is issued or transferred is conclusively presumed to have notice of this fact.

(c) If a stock certificate of any close corporation conspicuously notes or the corporation has notified the registered owner of uncertificated stock pursuant to K.S.A. 17-6401(f), and amendments thereto, of the fact of a restriction on transfer of stock of the corporation, and the restriction is one which is permitted by K.S.A. 17-6426, and amendments thereto, the transferee of the stock is conclusively presumed to have notice of the fact that he such person has acquired stock in violation of the restriction, if such acquisition violates the restriction.

(d) Whenever any person to whom stock of a close corporation has been issued or transferred has, or is conclusively presumed under this section to have, notice either that: (1) that he Such person is a person not eligible to be a holder of stock of the corporation; or, (2) that transfer of stock to him such person would cause the stock of the corporation to be held by more than the number of persons permitted by its articles of incorporation to hold stock of the corporation; or (3) that the transfer of stock is in violation of a restriction on transfer of stock, the corporation, at its option, may refuse to register transfer of the stock into the name of the transferee.

(e) The provisions of subsection (d) shall not be applicable if the transfer of stock, even though otherwise contrary to subsection (a), (b) or (c), has been consented to by all the stockholders of the close corporation, or if the close corporation has amended its articles of incorporation in accordance with K.S.A. 17-7206, and amendments thereto.

(f) The term "transfer," as used in this section, is not limited to a transfer for value.

(g) The provisions of this section do not impair in any way any rights of a transferee regarding any right to rescind the transaction or to recover under any applicable warranty, express or implied.

Sec. 112. K.S.A. 17-7208 is hereby amended to read as follows: 17-7208. (a) If any event occurs, as a result of which one or more of the provisions or conditions included in a close corporation's articles of incorporation, pursuant to K.S.A. 17-7202, and amendments thereto, to qualify it as a close corporation has been breached, the corporation's status as a close corporation shall terminate unless:

(1) Within 30 days after the occurrence of the event, or within 30 days after the event has been discovered, whichever is later, the corporation files with the secretary of state a certificate, executed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto, stating that a specified provision or condition included in its articles of incorporation pursuant to K.S.A. 17-7202, and amendments thereto, to qualify it as a close corporation has ceased to be applicable, and furnishes a copy of such certificate to each stockholder; and

(2) the corporation concurrently with the filing of such certificate takes such steps as are necessary to correct the situation which threatens its status as a close corporation, including, without limitation, the refusal to register the transfer of stock which has been wrongfully transferred as provided by K.S.A. 17-7207, and amendments thereto, or a proceeding under subsection (b).

(b) The district court, upon the suit of the corporation or any stockholder, shall have jurisdiction to issue all orders necessary to prevent the corporation from losing its status as a close corporation, or to restore its status as a close corporation, by enjoining or setting aside any act or threatened act on the part of the corporation or a stockholder

which would be inconsistent with any of the provisions or conditions required or permitted by K.S.A. 17-7202, and amendments thereto, to be stated in the articles of incorporation for a close corporation, unless it is an act approved in accordance with K.S.A. 17-7206, and amendments thereto. The district court may enjoin or set aside any transfer or threatened transfer of stock of a close corporation which is contrary to the terms of its articles of incorporation or of any transfer restriction permitted by K.S.A. 17-6426, and amendments thereto, and may enjoin any public offering, as defined in K.S.A. 17-7202, and amendments thereto, or threatened public offering of stock of the close corporation.

Sec. 113. K.S.A. 17-7209 is hereby amended to read as follows: 17-7209. If a restriction on the transfer of a security of a close corporation is held not to be authorized by K.S.A. 17-6426, and amendments thereto, the corporation, nevertheless, shall have an option, for a period of ~~thirty~~ (30) days after the judgment setting aside the restriction becomes final, to acquire the restricted security at a price which is agreed upon by the parties, or if no agreement is reached as to price, then at the fair value as determined by the district court. In order to determine fair value, the court may appoint an appraiser to receive evidence and report to the court ~~his~~ such appraiser's findings and recommendation as to fair value. ~~The appraiser shall have such powers and shall proceed, so far as applicable, in the same manner as appraisers appointed under K.S.A. 17-6712.~~

Sec. 114. K.S.A. 17-7211 is hereby amended to read as follows: 17-7211. (a) The articles of incorporation of a close corporation may provide that the business of the corporation shall be managed by the stockholders of the corporation, rather than by a board of directors. So long as this provision continues in effect: (1) No meeting of stockholders need be called to elect directors; (2) unless the context clearly requires otherwise, the stockholders of the corporation shall be deemed to be directors for purposes of applying provisions of this ~~act~~ code; (3) unless provided otherwise in the articles of incorporation or by agreement made between the stockholders, action by stockholders shall be taken by the voting of shares of stock in the same manner as provided in K.S.A. 17-6502(a), and amendments thereto; and (4) the stockholders of the corporation shall be subject to all liabilities of directors. Such a provision may be inserted in the articles of incorporation by amendment, if all incorporators and subscribers or all holders of record of all of the outstanding stock, whether or not having voting power, authorize such a provision. An amendment to the articles of incorporation to delete such a provision shall be adopted by a vote of the holders of a majority of all outstanding stock of the corporation, whether or not otherwise entitled to vote.

(b) If the articles of incorporation contain a provision authorized by this section, the existence of such provision shall be noted conspicuously on the face or back of every stock certificate issued by such corporation or, in the case of uncertificated shares, contained in the notice sent pursuant to K.S.A. 17-6401(f), and amendments thereto.

Sec. 115. K.S.A. 17-7212 is hereby amended to read as follows: 17-7212. (a) In addition to the provisions of K.S.A. 17-6516, and amendments thereto, respecting the appointment of a custodian for any corporation, the district court, upon application of any stockholder, may appoint one or more persons to be custodians, and, if the corporation is insolvent, to be receivers, of any close corporation when:

- (1) Pursuant to K.S.A. 17-7211, and amendments thereto, the business and affairs

of the corporation are managed by the stockholders and they are so divided that the business of the corporation is suffering or is threatened with irreparable injury, and any remedy with respect to such deadlock provided in the articles of incorporation or bylaws or in any written agreement of the stockholders has failed; or

(2) The petitioning stockholder has the right to dissolution of the corporation under a provision of the articles of incorporation permitted by K.S.A. 17-7215, and amendments thereto.

(b) In lieu of appointing a custodian for a close corporation under this section or K.S.A. 17-6516, and amendments thereto, the court may appoint a provisional director, whose powers and status shall be as provided in K.S.A. 17-7213, and amendments thereto, if the court determines that it would be in the best interest of the corporation. Such appointment shall not preclude any subsequent order of the court appointing a custodian for such corporation.

Sec. 116. K.S.A. 17-7213 is hereby amended to read as follows: 17-7213. (a) Notwithstanding any contrary provision of the articles of incorporation or the bylaws or agreement of the stockholders, the district court may appoint a provisional director for a close corporation, if the directors are so divided respecting the management of the corporation's business and affairs that the votes required for action by the board of directors cannot be obtained, with the consequence that the business and affairs of the corporation can no longer be conducted to the advantage of the stockholders generally.

(b) An application for relief under this section must be filed: (1) By at least ~~one-half~~ <sup>(1/2)</sup> of the number of directors then in office; (2) by the holders of at least ~~one-third~~ <sup>(1/3)</sup> of all stock then entitled to elect directors; or (3) if there be more than one class of stock then entitled to elect one or more directors, by the holders of ~~two-thirds~~ <sup>(2/3)</sup> of the stock of any such class; ~~but~~. The articles of incorporation of a close corporation may provide that a lesser proportion of the directors or of the stockholders or of a class of stockholders may apply for relief under this section.

(c) A provisional director shall be an impartial person who is neither a stockholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation, and whose further qualifications, if any, may be determined by the district court. A provisional director is not a receiver of the corporation and does not have the title and powers of a custodian or receiver appointed under K.S.A. 17-6516 or 17-6901, and amendments thereto. A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as ~~he such person~~ shall be removed by order of the court, or by the holders of a majority of all shares then entitled to vote to elect directors, or by the holders of ~~two-thirds~~ <sup>(2/3)</sup> of the shares of that class of voting shares which filed the application for appointment of a provisional director. His A provisional director's compensation shall be determined by agreement between ~~him such person~~ and the corporation, subject to approval of the court, which may fix ~~his such person's~~ compensation in the absence of agreement or in the event of disagreement between the provisional director and the corporation.

(d) Even though the requirements of subsection (b) ~~of this section,~~ relating to the number of directors or stockholders who may petition for appointment of a provisional director are not satisfied, the district court, nevertheless, may appoint a provisional director if permitted by ~~subsection (b) of~~ K.S.A. 17-7212 (b), and amendments thereto.

Sec. 117. K.S.A. 17-7215 is hereby amended to read as follows: 17-7215. (a) The

articles of incorporation of any close corporation may include a provision granting to any stockholder, or to the holders of any specified number or percentage of shares of any class of stock, an option to have the corporation dissolved at will or upon the occurrence of any specified event or contingency. Whenever any such option to dissolve is exercised, the stockholders exercising such option shall give written notice thereof to all other stockholders. After the expiration of ~~thirty (30)~~ days following the sending of such notice, the dissolution of the corporation shall proceed as if the required number of stockholders having voting power had voted in favor thereof.

(b) If the articles of incorporation, as originally filed, do not contain a provision authorized by subsection (a), the articles may be amended to include such provision if adopted by the affirmative vote of the holders of all the outstanding stock, whether or not entitled to vote, unless the articles of incorporation specifically authorize such an amendment by a vote which shall be not less than ~~two-thirds~~ ( $2/3$ ) of all the outstanding stock whether or not entitled to vote.

(c) Each stock certificate in any corporation whose articles of incorporation authorize dissolution, as permitted by this section, shall conspicuously note on the face thereof or, in the case of uncertificated shares, contained in the notice sent pursuant to K.S.A. 17-6401(f), and amendments thereto, the existence of the provision. Unless noted conspicuously on the face of the stock certificate or in the notice sent pursuant to K.S.A. 17-6401(f), and amendments thereto, or unless the transferee had actual knowledge of or consented to the dissolution, the provision is ineffective.

Sec. 118. K.S.A. 17-7302 is hereby amended to read as follows: 17-7302. (a) Whenever any foreign corporation admitted to do business in this state is a party to a merger or consolidation with any other foreign corporation, whether or not admitted to do business in this state, such foreign corporation shall file with the secretary of state of this state, within 30 days after the time the merger or consolidation becomes effective, a certificate of the proper officer of the jurisdiction under the laws of which the merger or consolidation was effected, attesting to such merger or consolidation and stating:

- (1) The corporate parties thereto;
- (2) the time when such merger or consolidation became effective; and
- (3) that the resulting or surviving corporation is a corporation in good standing in such jurisdiction.

(b) Whenever any foreign corporation admitted to do business in this state shall amend its articles of incorporation in a manner which affects any of the information contained on such corporation's application to do business in Kansas, the corporation shall file with the secretary of state, within 30 days after the amendment is adopted, a certificate of the proper officer of the jurisdiction in which such corporation has been incorporated attesting to such amendment. In the alternative, any foreign corporation may amend its original application for authority to do business in Kansas by filing a certificate of amendment certifying that such amendment has been duly adopted and executed in accordance with K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto.

Sec. 119. K.S.A. 17-7305 is hereby amended to read as follows: 17-7305. (a) Unless authority is expressly conferred by another law of this state, no foreign corporation shall possess the power of issuing bills, notes or other evidences of debt for circulation as money, or the power of carrying on the business of receiving deposits of money.

(b) Foreign corporations authorized to do business in this state which are organized to buy, sell and otherwise deal in notes, open accounts and other similar evidences of debt, or to loan money and to take notes, open accounts and other similar evidences of debt as collateral security therefor, shall not be deemed to be engaging in the business of banking.

(c) Any corporation organized under the laws of another state, territory or foreign country, and authorized to do business in this state, shall be subject to the same provisions, judicial control, restrictions and penalties, except as otherwise provided in ~~K.S.A. 17-7301 to 17-7302~~ through 17-7308 and K.S.A. 2015 Supp. 17-7930 through 17-7937, inclusive and amendments thereto, as corporations organized under the laws of this state.

Sec. 120. K.S.A. 17-7307 is hereby amended to read as follows: 17-7307. (a) A foreign corporation which is required to comply with the provisions of ~~K.S.A. 17-7301 and 17-7302 and K.S.A. 2015 Supp. 17-7930 through 17-7934, and amendments thereto,~~ and which has done business in this state without authority shall not maintain any action or special proceeding in this state, unless and until such corporation has been authorized to do business in this state and has paid to the state all taxes, fees and penalties which would have been due for the years or parts thereof during which it did business in this state without authority. This prohibition shall not apply to any successor in interest of any such foreign corporation.

(b) The failure of a foreign corporation to obtain authority to do business in this state shall not impair the validity of any contract or act of the foreign corporation or the right of any other party to the contract to maintain any action or special proceeding thereon, and shall not prevent the foreign corporation from defending any action or special proceeding in this state.

(c) Any person having a cause of action against any foreign corporation, whether or not such corporation is qualified to do business in this state, which cause of action arose in Kansas out of such corporation doing business in Kansas, or arose while such corporation was doing business in Kansas, may file suit against the corporation in the proper court of a county in which there is proper venue. Service of process in any action shall be made in the manner prescribed by K.S.A. 60-304, and amendments thereto.

Sec. 121. K.S.A. 17-7404 is hereby amended to read as follows: 17-7404. ~~This act Articles 60 through 74 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto,~~ shall be known and may be cited as the "Kansas general corporation code."

Sec. 122. K.S.A. 17-7503 is hereby amended to read as follows: 17-7503. (a) Every domestic corporation organized for profit shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports shall be made on forms prescribed by the secretary of state. The report shall be filed at the time prescribed by law for filing the corporation's annual Kansas income tax return. The report shall contain the following information:

- (1) The name of the corporation;
- (2) the location of the principal office;
- (3) the names and addresses of the president, secretary, treasurer or equivalent of such officers and members of the board of directors;

(4) the number of shares of capital stock issued;  
 (5) the nature and kind of business in which the corporation is engaged; and  
 (6) if the corporation is a parent corporation holding more than 50% equity ownership in any other business entity registered with the secretary of state, the name and identification number of any such subsidiary business entity.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

(1) The acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;

(2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;

(3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;

(4) the total number of stockholders of the corporation;

(5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;

(6) the number of acres of agricultural land, held and reported in each category under ~~provision paragraph~~ (5), stated separately, being irrigated; and

(7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

(c) The report shall be executed in accordance with the provisions of K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report shall be ~~dated and~~ subscribed by the person as true, under penalty of perjury. At the time of filing such annual report it shall be the duty of each domestic corporation organized for profit to pay to the secretary of state an annual report fee in an amount equal to \$40.

Sec. 123. K.S.A. 17-7504 is hereby amended to read as follows: 17-7504. (a) Every corporation organized not for profit shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports shall be made on forms prescribed by the secretary of state. The report shall be filed on the 15<sup>th</sup> day of the sixth month following the close of the taxable year. The report shall contain the following information:

(1) The name of the corporation;  
 (2) the location of the principal office;  
 (3) the names and addresses of the president, secretary and treasurer or equivalent of such officers, and the members of the governing body;

(4) the number of memberships or the number of shares of capital stock issued; and

(5) if the corporation is a parent corporation holding more than 50% equity

ownership in any other business entity registered with the secretary of state, the name and identification number of any such subsidiary business entity.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

(1) The acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;

(2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;

(3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;

(4) the total number of stockholders or members of the corporation;

(5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;

(6) the number of acres of agricultural land, held and reported in each category under paragraph (5) ~~of this subsection (b)~~, stated separately, being irrigated; and

(7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

(c) The report shall be executed in accordance with the provisions of K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report shall be ~~dated and~~ subscribed by the person as true, under penalty of perjury.

(d) At the time of filing such report, each nonprofit corporation shall pay an annual report fee in an amount equal to \$40 for all tax years commencing after December 31, 2003.

Sec. 124. K.S.A. 17-7505 is hereby amended to read as follows: 17-7505. (a) Every foreign corporation organized for profit, or organized under the cooperative type statutes of the state, territory or foreign country of incorporation, now or hereafter doing business in this state, and owning or using a part or all of its capital in this state, and subject to compliance with the laws relating to the admission of foreign corporations to do business in Kansas, shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation operates on a fiscal year other than the calendar year it shall give written notice thereof to the secretary of state prior to December 31 of the year commencing such fiscal year. The report shall be made on a form prescribed by the secretary of state. The report shall be filed at the time prescribed by law for filing the corporation's annual Kansas income tax return. The report shall contain the following facts:

(1) The name of the corporation and under the laws of what state or country it is incorporated;

(2) the location of its principal office;

(3) the names and addresses of the president, secretary, treasurer, or equivalent of such officers, and members of the board of directors;

(4) the number of shares of capital stock issued;  
 (5) the nature and kind of business in which the company is engaged; and  
 (6) if the corporation is a parent corporation holding more than 50% equity ownership in any other business entity registered with the secretary of state, the name and identification number of any such subsidiary business entity.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

(1) The acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;

(2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;

(3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;

(4) the total number of stockholders of the corporation;

(5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;

(6) the number of acres of agricultural land, held and reported in each category under paragraph (5) of this subsection (b), stated separately, being irrigated; and

(7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

(c) The report shall be executed in accordance with the provisions of K.S.A. ~~17-6003~~ 2015 Supp. 17-7908 through 17-7910, and amendments thereto. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report shall be ~~dated and~~ subscribed by the person as true, under penalty of perjury.

(d) At the time of filing its annual report, each such foreign corporation shall pay to the secretary of state an annual report fee in an amount equal to \$40.

Sec. 125. K.S.A. 2015 Supp. 17-7506 is hereby amended to read as follows: 17-7506. (a) The secretary of state shall charge each corporation a fee established pursuant to rules and regulations, but not exceeding \$250, for issuing or filing and indexing articles of incorporation of a for-profit or a foreign corporation application.

(b) The secretary of state shall charge each corporation a fee established by rules and regulations, but not exceeding \$50, for articles of incorporation of a nonprofit corporation.

(c) The secretary of state shall charge each corporation a fee established by rules and regulations, but not exceeding \$150, for issuing or filing and indexing any of the corporate documents described below:

(1) Certificate of extension, restoration, renewal or revival of articles of incorporation;

(2) certificate of amendment of articles of incorporation, either prior to or after payment of capital;

(3) certificate of designation of preferences;

(4) certificate of retirement of preferred stock;

- (5) certificate of increase or reduction of capital;
- (6) certificate of dissolution, either prior to or after beginning business;
- (7) certificate of revocation of voluntary dissolution;
- (8) certificate of change of location of registered office and resident agent;
- (9) agreement of merger or consolidation;
- (10) certificate of ownership and merger;
- (11) certificate of extension, restoration, renewal or revival of a certificate of authority of foreign corporation to do business in Kansas;
- (12) change of resident agent or amendment by foreign corporation;
- (13) certificate of withdrawal of foreign corporation;
- (14) certificate of correction of any of the instruments designated in this section;
- (15) reservation of corporate name;
- (16) restated articles of incorporation; ~~and~~
- (17) annual report extension; and
- (18) certificate of validation.

(d) The secretary of state shall charge each corporation a fee established pursuant to rules and regulations but not exceeding \$50 for issuing certified copies, photocopies, certificates of good standing and certificates of fact; and any other certificate or filing for which a filing or indexing fee is not prescribed by law.

(e) The secretary of state shall not charge fees for providing the following information: Name of the corporation; address of its registered office and the name of its resident agent; the amount of its authorized capital stock; the state of its incorporation; date of filing of articles of incorporation, foreign corporation application or annual report; and date of expiration.

(f) The secretary of state shall prescribe by rules and regulations any fees required by this act.

Sec. 126. K.S.A. 17-7510 is hereby amended to read as follows: 17-7510. (a) In addition to any other penalties, the failure of any domestic corporation to file the annual report in accordance with the provisions of this act or to pay the annual report fee provided for within 90 days of the time for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time for filing and paying the same, shall work the forfeiture of the articles of incorporation of such domestic corporation. Within 60 days after the date such annual report and fee are due, the secretary of state, by mail, shall notify any corporation that has failed to submit such report and fee when due that its articles of incorporation shall be forfeited unless the annual report is filed and the fee is paid within 90 days from the date such report and fee were due. Any corporation that fails to submit such report and fee within such time shall forfeit its articles of incorporation, and the secretary of state shall notify the attorney general that the articles of incorporation of such corporation have been forfeited.

(b) In addition to any other penalties, the failure of any foreign corporation to file the annual report or pay the annual report fee prescribed by this act within 90 days from the time provided for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time for filing and paying the same, shall work a forfeiture of its right or authority to do business in this state. Within 60 days after the date such annual report and fee are due, the secretary of state, by mail, shall notify any corporation that has failed to submit such report and fee when

due that its authority to do business in this state shall be forfeited unless the annual report and fee is paid within 90 days from the date such report and fee were due. Any corporation that fails to submit such report and fees within such time shall forfeit its authority to do business in this state, and the secretary of state shall publish a notice of such forfeiture in the Kansas register.

(c) This section shall not be construed to restrict the state from invoking any other remedies provided by law.

(d) The secretary of state shall not issue certificates of good standing for any corporation that has failed to file its annual report or pay its annual report fee.

Sec. 127. K.S.A. 17-7512 is hereby amended to read as follows: 17-7512. The provisions of this act relating to the filing of annual reports and the payment of franchise taxes and annual report fees shall not apply to banking, insurance or savings and loan corporations, credit unions, any firemen's relief association under the jurisdiction and supervision of the insurance commissioner or to Kansas venture capital, inc. or venture capital companies certified by the secretary of commerce pursuant to article 83 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 128. K.S.A. 2015 Supp. 17-76,139 is hereby amended to read as follows: 17-76,139. (a) Every limited liability company organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

- (1) The name of the limited liability company; and
- (2) a list of the members owning at least 5% of the capital of the limited liability company, with the post office address of each.

(b) Every foreign limited liability company shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited liability company.

(c) The annual report required by this section shall be ~~dated~~, executed by one or more authorized persons, and filed with the secretary of state. The execution of such annual report by a person who is authorized by this act to execute such annual report, upon filing such annual report with the secretary of state, constitutes an oath or affirmation, under penalties of perjury that, to the best of such person's knowledge and belief, the facts stated therein are true. At the time of filing the report, the limited liability company shall pay to the secretary of state an annual report fee in an amount

equal to \$40.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of ~~subsection (a)~~ of K.S.A. 17-7510(a), and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, shall be applicable to the articles of organization of any domestic limited liability company or to the authority of any foreign limited liability company which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time for filing and paying the same. Whenever the articles of organization of a domestic limited liability company or the authority of any foreign limited liability company are forfeited for failure to file an annual report or to pay the required annual report fee, the domestic limited liability company or the authority of a foreign limited liability company may be reinstated by filing a certificate of reinstatement, pursuant to K.S.A. 2015 Supp. 17-76,146, and amendments thereto, and paying to the secretary of state all fees, including any penalties thereon, due to the state.

(e) No limited liability company shall be required to file its first annual report under this act, or pay any annual report fee required to accompany such report, unless such limited liability company has filed its articles of organization or application for authority at least six months prior to the last day of its tax period.

(f) All copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234, and amendments thereto, a proper judicial order, or subsection (g). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed.

(g) A copy of such application shall be open to inspection by or disclosure to any person who was a member of such limited liability company during any part of the period covered by the extension.

Sec. 129. K.S.A. 2015 Supp. 17-7903 is hereby amended to read as follows: 17-7903. ~~(a)~~—The following documents related to corporations shall be filed with the secretary of state:

- ~~(1)~~(a) For-profit filings;
- ~~(A)~~(1) For-profit articles of incorporation as set forth in K.S.A. 17-6002, and amendments thereto;
- ~~(B)~~(2) professional association articles of incorporation as set forth in K.S.A. 17-2709, 17-2711 and 17-6002, and amendments thereto;
- ~~(C)~~(3) close corporation articles of incorporation as set forth in K.S.A. 17-6426, 17-7201, 17-7202 and 17-7203, and amendments thereto;
- ~~(4)~~ certificate of validation as set forth in section 8, and amendments thereto;
- ~~(D)~~(5) foreign for-profit application for authority as set forth in K.S.A. 2015 Supp. 17-7931 and K.S.A. 17-7307 through 17-7510, and amendments thereto;
- ~~(E)~~(6) for-profit annual report as set forth in K.S.A. 17-7503 and 17-7505, and amendments thereto;
- ~~(F)~~(7) professional association annual report as set forth in K.S.A. 17-2718, and

amendments thereto;

~~(G)~~ (8) for-profit certificate of amendment as set forth in K.S.A. 17-6003, 17-6401, 17-6601, 17-6602 and 17-6603, and amendments thereto;

~~(H)~~ (9) amendment to professional associations as set forth in K.S.A. 17-2709, and amendments thereto;

~~(I)~~ (10) foreign for-profit corporation certificate of amendment as set forth in K.S.A. 17-7302, and amendments thereto;

~~(J)~~ (11) restated articles of incorporation as set forth in K.S.A. 17-6605, and amendments thereto;

~~(K)~~ (12) change of registered office or resident agent as set forth in sections K.S.A. 2015 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

~~(L)~~ (13) for-profit certificate of correction as set forth in K.S.A. 2015 Supp. 17-7912, and amendments thereto;

~~(M)~~ (14) mergers as set forth in K.S.A. 17-6701 through 17-6708, and amendments thereto;

~~(N)~~ (15) foreign mergers as set forth in K.S.A. 17-7302, and amendments thereto;

~~(O)~~ (16) certificate of amendment or termination of merger as set forth in K.S.A. 17-6701, and amendments thereto;

~~(P)~~ (17) foreign corporation merger as set forth in K.S.A. 17-7302, and amendments thereto;

~~(Q)~~ (18) certificate of reinstatement as set forth in K.S.A. 17-7002, and amendments thereto;

~~(R)~~ (19) certificate of dissolution prior to commencing business as set forth in K.S.A. 17-6803, and amendments thereto;

~~(S)~~ (20) certificate of dissolution by stockholder's meeting as set forth in K.S.A. 17-6804, and amendments thereto;

~~(T)~~ (21) certificate of dissolution by written consent as set forth in K.S.A. 17-6804, and amendments thereto;

~~(U)~~ (22) foreign certificate of cancellation as set forth in K.S.A. 2015 Supp. 17-7936, and amendments thereto; and

~~(V)~~ (23) certificate of revocation of dissolution as set forth in K.S.A. 17-7001, and amendments thereto.

~~(Z)~~ (b) Not-for-profit filings:

~~(A)~~ (1) Not-for-profit articles of incorporation as set forth in K.S.A. 17-6002, and amendments thereto;

~~(B)~~ (2) foreign not-for-profit application for authority as set forth in K.S.A. 2015 Supp. 17-7931, and amendments thereto;

~~(C)~~ (3) not-for-profit annual report as set forth in K.S.A. 17-7504, and amendments thereto;

~~(D)~~ (4) not-for-profit certificate of amendment as set forth in K.S.A. 17-6602, and amendments thereto;

~~(E)~~ (5) not-for-profit certificate of correction as set forth in K.S.A. 2015 Supp. 17-7912, and amendments thereto;

~~(F)~~ (6) not-for-profit change of registered office or resident agent as set forth in K.S.A. 2015 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

~~(G)~~ (7) not-for-profit certificate of reinstatement as set forth in K.S.A. 17-7002, and amendments thereto; and

~~(H)~~ (8) certificate of dissolution as set forth in K.S.A. 17-6803, 17-6804 and 17-6805, and amendments thereto.

~~(b) This section shall take effect on and after January 1, 2015.~~

Sec. 130. K.S.A. 2015 Supp. 17-7908 is hereby amended to read as follows: 17-7908. All documents required by this act to be filed with the secretary of state shall be executed as follows:

(a) Documents related to corporations shall be executed in the following manner:

(1) The articles of incorporation for all corporations ~~shall be signed by the incorporator or incorporators~~, and any other document to be filed before the election of the initial board of directors, if the initial directors were not named in the articles of incorporation, shall be signed by the incorporator or incorporators or, in the case of any such other document, such incorporator's or incorporators' successors and assigns. If any incorporator is not available ~~by reason of death, incapacity or refusal or neglect to act~~, then the any such other document may be signed, with the same effect as if such incorporator had signed it, by any person for whom or on whose behalf such incorporator, in executing the articles of incorporation, was acting directly or indirectly as an employee or agent. ~~The, except that such other document shall state that the such~~ incorporator is not available and the reason therefore, that such incorporator in executing the articles of incorporation was acting directly or indirectly as an employee or agent for or on behalf of such person and that such person's signature on such instrument is otherwise authorized and not wrongful.

(2) All documents related to a corporation that are not addressed by subsection (a) (1), shall be signed: (A) By any authorized officer of the corporation; (B) if it appears from the document that there are no such officers, by a majority of the directors or by such directors as may be designated by the board; (C) if it appears from the document that there are no such officers or directors, by the holders of record, or such of them as may be designated by the holders of record, of a majority of all outstanding shares of stock; or (D) by the holders of record of all outstanding shares of stock.

(b) Documents related to limited liability companies shall be executed in the following manner: All documents shall be signed by one or more authorized persons. Unless otherwise provided in an operating agreement, any person may sign the articles, any certificate, any amendment thereof, or enter into an operating agreement or amendment thereof by an agent.

(c) Documents related to limited partnerships shall be executed in the following manner:

(1) An initial certificate of limited partnership must be signed by all general partners;

(2) a certificate of amendment must be signed by at least one general partner and by each other general partner who is designated in the certificate of amendment as a new general partner; and

(3) a certificate of cancellation must be signed by all general partners or, if there is no general partner, by a majority of the limited partners.

(d) Documents related to limited liability partnerships shall be executed by an authorized person.

~~(e) This section shall take effect on and after January 1, 2015.~~

Sec. 131. K.S.A. 2015 Supp. 17-7918 is hereby amended to read as follows: 17-7918. (a) Except as otherwise provided in subsection (b), the names of all covered

entities, except for banks, savings and loan associations and savings banks, must be distinguishable on the records of the office of the secretary of state from:

- (1) The name of any other covered entity or foreign covered entity;
- (2) the name of any non-covered entity, other than a general partnership, that has filed with the office of the secretary of state;
- (3) any entity name reserved pursuant to K.S.A. 2015 Supp. 17-7923, and amendments thereto; and
- (4) the name of any other covered entity or foreign covered entity whose public organic documents or foreign registration has been canceled or forfeited for any reason within the previous one year.

(b) A covered entity may register under any name that is not distinguishable on the records of the office of the secretary of state from the name of any other covered entity or non-covered entity that has filed with the office of the secretary of state with the written consent of the other entity, which written consent shall be filed with the secretary of state.

(c) A covered entity may use a name that is not distinguishable from a name described in subsection (a)(1) through (3) if the entity delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the right of the entity to use the name in this state.

Sec. 132. K.S.A. 2015 Supp. 17-7919 is hereby amended to read as follows: 17-7919. The name of a corporation, except for banks, savings and loan associations and savings banks, shall contain:

(a) One of the following words: "Association"; "church"; "college"; "company"; "corporation"; "club"; "foundation"; "fund"; "incorporated"; "institute"; "society"; "union"; "university"; "syndicate" or "limited";

(b) one of the following abbreviations: "Co."; "corp."; "inc." or "Ltd."; or

(c) words or abbreviations of like import in other languages if they are written in Roman characters or letters.

~~(d) This section shall take effect on and after January 1, 2015.~~

Sec. 133. K.S.A. 2015 Supp. 17-7924 is hereby amended to read as follows: 17-7924. (a) Every covered entity shall have and maintain in this state a registered office which may, but need not be, the same as its place of business.

(b) ~~Unless the context otherwise requires,~~ Whenever the term "principal office or place of business in this state" or "principal office or place of business of the (applicable covered entity) in this state," or other term of like import, is or has been used in the covered entity's public organic documents, or in any other document or in any statute other than the Kansas uniform commercial code, unless the context indicates otherwise, it shall be deemed to mean and refer to the covered entity's registered office required by this section, and it shall not be necessary for any covered entity to amend its public organic documents or any other document to comply with this section.

(c) ~~This section shall take effect on and after January 1, 2015~~ As contained in any covered entity's organic documents or other document filed with the secretary of state under the business entity standard treatment act, the address of a registered office shall include the street, number, city and postal code.

Sec. 134. K.S.A. 2015 Supp. 17-7925 is hereby amended to read as follows: 17-7925.(a) Every covered entity shall have and maintain in this state a resident agent, which agent may be either:

(1) The covered entity itself;  
 (2) an individual resident in this state;  
 (3) a domestic corporation, a domestic limited partnership, a domestic limited liability partnership, a domestic limited liability company or a domestic business trust;  
 or

(4) a foreign corporation, a foreign limited partnership, a foreign limited liability partnership, a foreign limited liability company or a foreign business trust ~~authorized to transact business in this state~~.

(b) Every resident agent for a covered entity shall:

(1) The resident agent shall have If a domestic entity, maintain a business office identical with the registered office which is generally open ~~during normal business hours~~, or if an individual, be generally present at a designated location in this state at sufficiently frequent times to accept service of process and otherwise perform the functions of a resident agent;

(2) if a foreign entity, be authorized to transact business in this state;

(3) accept service of process and other communications directed to the covered entity for which it serves as resident agent and forward the same to the covered entity to which the service or communication is directed; and

(4) forward to the covered entity for which it serves as a resident agent documents sent by the secretary of state.

(c) Unless the context otherwise requires, whenever the term "resident agent" or "registered agent" or "resident agent in charge of a (applicable covered entity's) principal office or place of business in this state," or other term of like import which refers to a covered entity's agent required by statute to be located in this state, is or has been used in a covered entity's public organic documents, or in any other document, or in any statute, it shall be deemed to mean and refer to the covered entity's resident agent required by this section, and it shall not be necessary for any covered entity to amend its public organic documents, or any other document, to comply with this section.

~~(d) This section shall take effect on and after January 1, 2015.~~

Sec. 135. K.S.A. 2015 Supp. 17-7927 is hereby amended to read as follows: 17-7927. (a) A resident agent may change the address of the registered office of any covered entities for which such agent is resident agent to another address in this state by paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and filing with the secretary of state a certificate, executed by such resident agent, setting forth the names of all the covered entities represented by such resident agent, and the address at which such resident agent has maintained the registered office for each of such covered entities, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such resident agent will thereafter maintain the registered office for each of the covered entities recited in the certificate. ~~Upon the filing of such certificate, the secretary of state shall furnish to the resident agent a certified copy of the certificate, and~~ Thereafter, or until further change of address, as authorized by law, the registered office in this state of each of the covered entities ~~recited in the certificate~~ for which it is a resident agent shall be located at the new address of the resident agent thereof as given in the certificate.

(b) Whenever the location of a resident agent's office is moved to another room or suite within the same structure and such change is reported in writing to the secretary of

state, no fee shall be charged for recording such change on the appropriate records on file with the secretary of state.

(c) In the event of a change of name of any person or entity acting as resident agent in this state, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the covered entities represented by such resident agent, and the address at which such resident agent has maintained the registered office for each of such covered entities. A change of name of any person or entity acting as a resident agent as a result of a merger or consolidation of the resident agent, with or into another entity which succeeds to its assets by operation of law, shall be deemed a change of name for purposes of this section.

(d) In the event of both a change of name of any person or entity acting as resident agent for any covered entity and a change of address, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the covered entities represented by such resident agent and the address at which such resident agent has maintained the registered office for each such covered entity, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such resident agent will thereafter maintain the registered office for each of the covered entities recited in the certificate. Upon the filing of such certificate, and thereafter, or until further change of address or change of name, as authorized by law, the registered office in this state of each of the covered entities recited in the certificate shall be located at the new address of the resident agent as given in the certificate and the change of name shall be effective.

~~(e) This section shall take effect on and after January 1, 2015.~~

Sec. 136. K.S.A. 2015 Supp. 17-7928 is hereby amended to read as follows: 17-7928. (a) The resident agent of one or more covered entities may resign and appoint a successor resident agent by paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and filing a certificate with the secretary of state, stating that the resident agent resigns and the name and address of the successor agent in accordance with K.S.A. 2015 Supp. 17-7924, and amendments thereto. There shall be attached to such certificate a statement executed by each affected covered entity ratifying and approving such change of resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entities as have ratified and approved such substitution and the successor resident agent's address, as stated in such certificate, shall become the address of each such covered entity's registered office in this state.

(b) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

~~(c) This section shall take effect on and after January 1, 2015.~~

Sec. 137. K.S.A. 2015 Supp. 17-7929 is hereby amended to read as follows: 17-7929. (a) The resident agent of one or more covered entities may resign without

appointing a successor by paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and filing a certificate of resignation, with the secretary of state stating that the resident agent resigns as resident agent for the covered entities identified in the certificate, but such resignation shall not become effective until 60 30 days after the certificate is filed. ~~There shall be attached to such certificate an affidavit of such resident agent, if an individual, or of an authorized governor, if an entity, that at least 30 days prior to the filing of such certificate, due notice was sent by certified or registered mail to the covered entities for which such resident agent is resigning as resident agent, at the principal office thereof within or outside the state of Kansas, if known to such resident agent, or if not so known, to the last known address of the individual at whose request such resident agent was appointed for such entity, of the resignation of such resident agent. The certificate shall be executed by the resident agent, shall contain a statement that written notice of resignation was given to each affected covered entity at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the covered entity at its address last known to the resident agent and shall set forth the date of such notice.~~

(b) After receipt of the notice of the resignation of its resident agent, provided for in subsection (a), any covered entity for which such resident agent was acting shall obtain and designate a new resident agent ~~to succeed~~ take the place of the resident agent so resigning. Such covered entity shall pay a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate setting forth the name and address of the successor resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entity and the successor resident agent's address, as stated in such certificate, shall become the address of the covered entity's registered office in this state. If such covered entity fails to obtain and designate a new resident agent as aforesaid, prior to the expiration of the period of 60 days after the filing by the resident agent of the certificate of resignation, ~~such covered entity fails to obtain and designate a new resident agent, as required by this subsection,~~ the secretary of state ~~may shall~~ declare the entity's organizing documents forfeited ~~or, in the case of a foreign entity, the secretary may declare the foreign entity's authority to do business in this state forfeited.~~

(c) After the resignation of the resident agent shall have become effective, as provided in subsection (a), and if no new resident agent shall have been obtained and designated in the time and manner provided for in subsection (b), service of legal process against the covered entity for which the resigned resident agent had been acting shall thereafter be upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(d) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

~~(e) This section shall take effect on and after January 1, 2015.~~

Sec. 138. K.S.A. 2015 Supp. 17-7931 is hereby amended to read as follows: 17-7931. Before doing business in the state of Kansas, a foreign covered entity shall register with the secretary of state. In order to register, a foreign covered entity shall submit to the secretary of state, together with payment of a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, an original copy executed by a governor, of an application for registration as a foreign covered entity,

setting forth:

- (a) The name of the foreign covered entity;
- (b) ~~the state or other jurisdiction or country~~ where organized;
- (c) the date of its organization;
- (d) a statement issued within 90 days of the date of application by the proper officer of the jurisdiction where such foreign entity is organized, or by a third-party agent authorized by such proper officer, that the foreign covered entity exists in good standing under the laws of the jurisdiction of its organization;
- (e) the nature of the business or purposes to be conducted or promoted in the state of Kansas, including whether the covered entity operates for-profit or not-for-profit;
- (f) the address of the registered office and the name and address of the resident agent for service of process required to be maintained by this act;
- (g) an irrevocable written consent of the foreign covered entity that actions may be commenced against it in the proper court of any county where there is proper venue by the service of process on the secretary of state as provided for in K.S.A. 60-304, and amendments thereto, and stipulating and agreeing that such service shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon the governors of the foreign covered entity; and
- ~~(h) the name and business, residence or mailing address of each of the governors; and~~
- ~~(i) the date on which the foreign covered entity first did, or intends to do, business in the state of Kansas.~~

Sec. 139. K.S.A. 2015 Supp. 17-7934 is hereby amended to read as follows: 17-7934. (a) ~~Each foreign covered entity shall have and maintain in the state of Kansas:~~

~~(1) A registered office which may, but need not, be its place of business in the state of Kansas; and~~

~~(2) a resident agent for service of process on the covered entity, which agent may be the foreign covered entity itself, an individual resident of the state of Kansas, a domestic corporation, a domestic limited partnership, a domestic limited liability company, a domestic business trust, or a foreign corporation, foreign limited partnership, foreign limited liability company or foreign business trust authorized to do business in the state of Kansas whose business office is identical with the covered entity's registered office~~ Every foreign covered entity shall have and maintain in this state a registered office and a resident agent in the same manner as prescribed by K.S.A. 2015 Supp. 17-7924 and 17-7925, and amendments thereto.

~~(b) A resident agent may change the address of the registered office of the foreign covered entity for which the resident agent is resident agent to another address in the state of Kansas by:~~

~~(1) Paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto;~~

~~(2) filing with the secretary of state a certificate executed by the resident agent, setting forth the names of all the foreign covered entities represented by the resident agent and the address at which the resident agent has maintained the registered office for each of such foreign covered entity; and~~

~~(3) certifying to the new address to which each such registered office will be changed on a given day and at which the resident agent will thereafter maintain the registered office for each of the foreign covered entities recited in the certificate. Upon~~

~~the filing of the certificate, the secretary of state shall furnish to the resident agent a certified copy of such certificate. Thereafter, or until further change of address, as authorized by law, the registered office in the state of Kansas of each of the foreign covered entities recited in the certificate shall be located at the new address of the resident agent of the entity given in the certificate. Filing of the certificate shall be considered an amendment of the application of each foreign covered entity affected by the certificate, and the foreign covered entity shall not be required to take any further action with respect thereto, to amend its application. Any resident agent filing a certificate under this section, upon such filing, shall deliver promptly a copy of such certificate to each foreign covered entity affected thereby.~~ Any foreign covered entity that has qualified to do business in this state may change its registered office or resident agent in the manner prescribed in K.S.A. 2015 Supp. 17-7926, and amendments thereto.

(c) ~~In the event of a change of name of any person acting as resident agent for a foreign covered entity in this state, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the foreign covered entities represented by such resident agent, and the address at which such resident agent has maintained the registered office for each of such foreign covered entities.~~ Any resident agent may change the address of the foreign covered entity's registered office in the manner prescribed by K.S.A. 2015 Supp. 17-7927, and amendments thereto.

(d) ~~In the event of both a change of name of any person acting as resident agent for any foreign covered entity and a change of address, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the foreign covered entities represented by such resident agent and the address at which such resident agent has maintained the registered office for each such foreign covered entity, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such resident agent will thereafter maintain the registered office for each of the foreign covered entities recited in the certificate. Upon the filing of such certificate, and thereafter, or until further change of address or change of name, as authorized by law, the registered office in this state of each of the foreign covered entities recited in the certificate shall be located at the new address of the resident agent as given in the certificate and the change of name shall be effective.~~ Any resident agent designated by a foreign covered entity as its resident agent for service of process may resign pursuant to the provisions of K.S.A. 2015 Supp. 17-7928 or 17-7929, and amendments thereto.

(e) ~~The resident agent of one or more foreign covered entities may resign and appoint a successor resident agent by paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and filing a certificate with the secretary of state, stating that the resident agent resigns as resident agent for the foreign covered entity identified in the certificate and giving the name and address of the successor resident agent. There shall be attached to the certificate a statement executed by each affected foreign covered entity ratifying and approving the change of resident~~

~~agent. Upon the filing, the successor resident agent shall become the resident agent of those foreign covered entities that have ratified and approved the substitution and the successor resident agent's address, as stated in the certificate, shall become the address of each such foreign covered entities' registered office in the state of Kansas. Filing of the certificate of resignation shall be deemed to be an amendment of the application of each foreign covered entity affected by the certificate, and the foreign covered entity shall not be required to take any further action with respect thereto, to amend its application.~~

~~(f) The resident agent of one or more foreign covered entities may resign without appointing a successor resident agent by paying a fee if authorized by law, as provided by K.S.A. 2015 Supp. 17-7910, and amendments thereto, and filing a certificate with the secretary of state stating that the resident agent resigns as resident agent for the foreign covered entities identified in the certificate, but the resignation shall not become effective until 60 days after the certificate is filed. There shall be attached to the certificate an affidavit that, at least 30 days prior to the date of the filing of the certificate, notice of the resignation of the resident agent was sent by certified or registered mail to each foreign covered entity for which the resident agent is resigning as resident agent. The affidavit shall state that the notice was sent to the principal office of each of the foreign covered entities within or outside the state of Kansas, if known to the resident agent or, if not, to the last known address of the individual at whose request the resident agent was appointed for the foreign covered entity. After receipt of the notice of the resignation of its resident agent, the foreign covered entity for which the resident agent was acting shall obtain and designate a new resident agent, to take the place of the resident agent resigning. If a foreign covered entity fails to obtain and designate a new resident agent within 60 days after the filing by the resident agent of the certificate of resignation, that foreign covered entity shall not be permitted to do business in the state of Kansas and its registration shall be considered forfeited.~~

Sec. 140. K.S.A. 2015 Supp. 56-1a606 is hereby amended to read as follows: 56-1a606. (a) Every limited partnership organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited partnership at the close of business on the last day of its tax period next preceding the date of filing. If the limited partnership's tax period is other than the calendar year, it shall give notice of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited partnership's annual Kansas income tax return.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

- (1) The name of the limited partnership; and
- (2) a list of the partners owning at least 5% of the capital of the partnership, with the address of each.

(c) Every limited partnership subject to the provisions of this section which is a limited agricultural partnership, as defined in K.S.A. 17-5903, and amendments thereto, and which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

- (1) The number of acres and location, listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by the

limited partnership; and

(2) whether any of the agricultural land held and reported under subsection (c)(1) was acquired after July 1, 1981.

(d) The annual report shall be ~~dated~~, signed by the general partner or partners of the limited partnership under penalty of perjury and forwarded to the secretary of state. At the time of filing the report, the limited partnership shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(e) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of ~~subsection (a) of~~ K.S.A. 17-7510(a), and amendments thereto, relating to forfeiture of a domestic corporation's articles of incorporation for failure to file an annual report or pay the required annual report fee, shall be applicable to the certificate of partnership of any limited partnership which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time prescribed in this section for filing and paying the same. Whenever the certificate of partnership of a limited partnership is forfeited for failure to file an annual report or to pay the required annual report fee, the limited partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 141. K.S.A. 2015 Supp. 56-1a607 is hereby amended to read as follows: 56-1a607. (a) Every foreign limited partnership shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited partnership at the close of business on the last day of its tax period next preceding the date of filing. If the limited partnership's tax period is other than the calendar year, it shall give notice of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited partnership's annual Kansas income tax return.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited partnership.

(c) Every foreign limited partnership subject to the provisions of this section which is a limited agricultural partnership, as defined in K.S.A. 17-5903, and amendments thereto, and which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

(1) The number of acres and location, listed by section, range, township and county of agricultural land in this state owned or leased by the limited partnership; and

(2) whether any of the agricultural land held and reported under subsection (c)(1) was acquired after July 1, 1981.

(d) The annual report shall be ~~dated~~, signed by the general partner or partners of the limited partnership under penalty of perjury and forwarded to the secretary of state. At the time of filing the report, the foreign limited partnership shall pay to the secretary of

state an annual report fee in an amount equal to \$40.

(e) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of ~~subsection (b) of~~ K.S.A. 17-7510(b), and amendments thereto, relating to forfeiture of a foreign corporation's authority to do business in this state for failure to file an annual report or pay the required annual report fee, shall be applicable to the authority of any foreign limited partnership which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time prescribed in this section for filing and paying the same. Whenever the authority of a foreign limited partnership to do business in this state is forfeited for failure to file an annual report or to pay the required annual report fee, the foreign limited partnership's authority to do business in this state may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 142. K.S.A. 2015 Supp. 56a-1201 is hereby amended to read as follows: 56a-1201. (a) Every limited liability partnership organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability partnership at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability partnership's tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability partnership's annual Kansas income tax return.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

- (1) The name of the limited liability partnership; and
- (2) a list of the partners owning at least 5% of the capital of the partnership, with the address of each.

(c) The annual report shall be ~~dated~~, signed by a partner of the limited liability partnership under penalty of perjury and forwarded to the secretary of state. At the time of filing the report, the limited liability partnership shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of ~~subsection (a) of~~ K.S.A. 17-7510(a), and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, shall be applicable to the statement of qualification of any limited liability partnership which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time prescribed in this section for filing and paying the same.

Whenever the statement of qualification of a limited liability partnership is forfeited for failure to file an annual report or to pay the required annual report fee, the limited liability partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 143. K.S.A. 2015 Supp. 56a-1202 is hereby amended to read as follows: 56a-1202. (a) Every foreign limited liability partnership shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the foreign limited liability partnership at the close of business on the last day of its tax period next preceding the date of filing. If the foreign limited liability partnership's tax period is other than the calendar year, it shall give notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the foreign limited liability partnership's annual Kansas income tax return.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the foreign limited liability partnership.

(c) The annual report shall be ~~dated~~, signed by a partner of the foreign limited liability partnership under penalty of perjury and forwarded to the secretary of state. At the time of filing the report, the foreign limited liability partnership shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of ~~subsection (a) of~~ K.S.A. 17-7510(a), and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, shall be applicable to the statement of foreign qualification of any foreign limited liability partnership which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time prescribed in this section for filing and paying the same. Whenever the statement of foreign qualification of a foreign limited liability partnership is forfeited for failure to file an annual report or to pay the required annual report fee, the statement of foreign qualification of the foreign limited liability partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 144. K.S.A. 17-1289, 17-12,100, 17-12,101, 17-12,102, 17-12,103, 17-12,104, 17-2036, 17-2718, 17-4634, 17-6001, 17-6004, 17-6006, 17-6007, 17-6008, 17-6009, 17-6010, 17-6101, 17-6102, 17-6104, 17-6106, 17-6301, 17-6302, 17-6304, 17-6401, 17-6402, 17-6404, 17-6405, 17-6407, 17-6408, 17-6409, 17-6410, 17-6412, 17-6413, 17-6414, 17-6415, 17-6416, 17-6420, 17-6422, 17-6425, 17-6426, 17-6501, 17-6502, 17-6503, 17-6505, 17-6506, 17-6508, 17-6509, 17-6510, 17-6512, 17-6513, 17-6514,

17-6515, 17-6516, 17-6517, 17-6518, 17-6521, 17-6522, 17-6523, 17-6603, 17-6605, 17-6701, 17-6702, 17-6703, 17-6704, 17-6705, 17-6706, 17-6707, 17-6708, 17-6710, 17-6712, 17-6801, 17-6803, 17-6804, 17-6805, 17-6805a, 17-6807, 17-6808, 17-6809, 17-6810, 17-6811, 17-6812, 17-6813, 17-6902, 17-6903, 17-6904, 17-6905, 17-6906, 17-6907, 17-6908, 17-6909, 17-6910, 17-6911, 17-6913, 17-7001, 17-7003, 17-7101, 17-7102, 17-7201, 17-7203, 17-7204, 17-7205, 17-7206, 17-7208, 17-7209, 17-7211, 17-7212, 17-7213, 17-7215, 17-7302, 17-7305, 17-7307, 17-7404, 17-7503, 17-7504, 17-7505, 17-7510 and 17-7512 and K.S.A. 2015 Supp. 17-6002, 17-6305, 17-6601, 17-6602, 17-7002, 17-7207, 17-7506, 17-76,139, 17-7903, 17-7908, 17-7918, 17-7919, 17-7924, 17-7925, 17-7927, 17-7928, 17-7929, 17-7931, 17-7934, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 are hereby repealed."

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "corporations; relating to the Kansas general corporation code; business entity standard treatment act; amending K.S.A. 17-1289, 17-2036, 17-2718, 17-4634, 17-6001, 17-6004, 17-6006, 17-6007, 17-6008, 17-6009, 17-6010, 17-6101, 17-6102, 17-6104, 17-6106, 17-6301, 17-6302, 17-6304, 17-6401, 17-6402, 17-6404, 17-6405, 17-6407, 17-6408, 17-6409, 17-6410, 17-6412, 17-6413, 17-6414, 17-6415, 17-6416, 17-6420, 17-6422, 17-6425, 17-6426, 17-6501, 17-6502, 17-6503, 17-6505, 17-6506, 17-6508, 17-6509, 17-6510, 17-6512, 17-6513, 17-6514, 17-6515, 17-6516, 17-6517, 17-6518, 17-6521, 17-6522, 17-6523, 17-6603, 17-6605, 17-6701, 17-6702, 17-6703, 17-6705, 17-6706, 17-6707, 17-6708, 17-6710, 17-6712, 17-6801, 17-6803, 17-6804, 17-6805, 17-6805a, 17-6807, 17-6808, 17-6809, 17-6810, 17-6811, 17-6812, 17-6813, 17-6902, 17-6903, 17-6904, 17-6905, 17-6906, 17-6907, 17-6908, 17-6909, 17-6910, 17-6911, 17-6913, 17-7001, 17-7003, 17-7101, 17-7102, 17-7201, 17-7203, 17-7204, 17-7205, 17-7206, 17-7208, 17-7209, 17-7211, 17-7212, 17-7213, 17-7215, 17-7302, 17-7305, 17-7307, 17-7404, 17-7503, 17-7504, 17-7505, 17-7510 and 17-7512 and K.S.A. 2015 Supp. 17-6002, 17-6305, 17-6601, 17-6602, 17-7002, 17-7207, 17-7506, 17-76,139, 17-7903, 17-7908, 17-7918, 17-7919, 17-7924, 17-7925, 17-7927, 17-7928, 17-7929, 17-7931, 17-7934, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 and repealing the existing sections; also repealing K.S.A. 17-12,100, 17-12,101, 17-12,102, 17-12,103, 17-12,104 and 17-6704";-

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

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

JOHN BARKER

CHARLES MACHEERS

JOHN CARMICHAEL

*Conferees on part of House*

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2112**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Fitzgerald.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2615** 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 10, following line 38, by inserting:

"(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.";

On page 11, following line 29, by inserting:

"Sec. 5. K.S.A. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than:

- (1) A charitable health care provider;
- (2) a hospital owned by a municipality and the employees thereof;
- (3) a local health department and the employees thereof;
- (4) an indigent health care clinic and the employees thereof;~~or~~
- (5) a district coroner or deputy district coroner appointed pursuant to K.S.A. 22a-226, and amendments thereto;or
- (6) a community mental health center and the employees thereof.

(b) Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than those health care providers enumerated in subsection (a), arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(c) As used in this section:

(1) "Indigent health care clinic" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(2) "Charitable health care provider" shall have the meaning ascribed to such term under K.S.A. 75-6102, and amendments thereto.

(3) "Health care provider" shall have the meaning ascribed to such term under K.S.A. 40-3401, and amendments thereto.

(4) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility.

(5) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241, and amendments thereto.

New Sec. 6. Sections 6 through 29, and amendments thereto, shall be known and may be cited as the acupuncture practice act.

New Sec. 7. As used in the acupuncture practice act:

(a) "ACAOM" means the national accrediting agency recognized by the U.S. department of education that provides accreditation for educational programs for acupuncture and oriental medicine. For purposes of the acupuncture practice act, the term ACAOM shall also include any entity deemed by the board to be the equivalent of ACAOM.

(b) "Act" means the acupuncture practice act.

(c) "Acupuncture" means the use of needles inserted into the human body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body and stimulating the body to restore itself to its proper functioning and state of health.

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

(e) "Council" means the acupuncture advisory council established by section 18, and amendments thereto.

(f) "Licensed acupuncturist" means any person licensed to practice acupuncture under the acupuncture practice act.

(g) "NCCAOM" means the national certification commission for acupuncture and oriental medicine. NCCAOM is a national organization that validates entry-level competency in the practice of acupuncture and oriental medicine through the administration of professional certification examinations. For purposes of the acupuncture practice act, the term NCCAOM shall also include any entity deemed by the board to be the equivalent of the NCCAOM.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathy in Kansas.

(i) "Practice of acupuncture" includes, but is not limited to:

(1) Techniques sometimes called "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment" and similar terms;

(2) mechanical, thermal, pressure, suction, friction, electrical, magnetic, light, sound, vibration, manual and electromagnetic treatment;

(3) the use, application or recommendation of therapeutic exercises, breathing techniques, meditation and dietary and nutritional counselings; and

(4) the use and recommendation of herbal products and nutritional supplements, according to the acupuncturist's level of training and certification by the NCCAOM or its equivalent.

(j) "Practice of acupuncture" does not include:

(1) Prescribing, dispensing or administering of any controlled substances as defined in K.S.A. 65-4101 et seq., and amendments thereto, or any prescription-only drugs;

(2) the practice of medicine and surgery, including obstetrics and the use of lasers

or ionizing radiation;

(3) the practice of osteopathic medicine and surgery or osteopathic manipulative treatment;

(4) the practice of chiropractic;

(5) the practice of dentistry; or

(6) the practice of podiatry.

New Sec. 8. (a) On and after July 1, 2017, except as otherwise provided in this act, no person shall practice acupuncture unless such person possesses a current and valid acupuncture license issued under this act.

(b) (1) No person shall depict oneself orally or in writing, expressly or by implication, as a holder of a license who does not hold a current license under this act.

(2) Only persons licensed under this act shall be entitled to use the title "licensed acupuncturist" or the designated letters "L.Ac."

(3) Nothing in this section shall be construed to prohibit an acupuncturist licensed under this act from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to denote any educational degrees, certifications or credentials which such licensed acupuncturist has earned.

(4) Violation of this section shall constitute a class B misdemeanor.

New Sec. 9. Needles used in the practice of acupuncture shall only be prepackaged, single-use and sterile. These needles shall only be used on an individual patient in a single treatment session.

New Sec. 10. (a) The following shall be exempt from the requirements for an acupuncture license pursuant to this act:

(1) Any person licensed in this state to practice medicine and surgery, osteopathy, dentistry or podiatry, a licensed chiropractor or a licensed naturopathic doctor, if the person confines the person's acts or practice to the scope of practice authorized by their health professional licensing laws and does not represent to the public that the person is licensed under this act;

(2) any herbalist or herbal retailer who does not hold oneself out to be a licensed acupuncturist;

(3) any health care provider in the United States armed forces, federal facilities and other military service when acting in the line of duty in this state;

(4) any student, trainee or visiting teacher of acupuncture, oriental medicine or herbology who is designated as a student, trainee or visiting teacher while participating in a course of study or training under the supervision of a licensed acupuncturist licensed under this act in a program that the council has approved. This includes continuing education programs and any acupuncture or herbology programs that are a recognized route by the NCCAOM, or its equivalent, to certification;

(5) any person rendering assistance in the case of an emergency or disaster relief;

(6) any person practicing self-care or any family member providing gratuitous care, so long as such person or family member does not represent or hold oneself out to the public to be an acupuncturist;

(7) any person who massages, so long as such person does not practice acupuncture or hold oneself out to be a licensed acupuncturist;

(8) any person whose professional services are performed pursuant to delegation by and under the supervision of a practitioner licensed under this act;

(9) any team acupuncturist or herbology practitioner, who is traveling with and

treating those associated with an out-of-state or national team that is temporarily in the state for training or competition purposes; and

(10) any person licensed as a physical therapist when performing dry needling, trigger point therapy or services specifically authorized in accordance with the provisions of the physical therapy practice act.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 11. An applicant for licensure as an acupuncturist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 21 years of age;

(b) has successfully completed secondary schooling or its equivalent;

(c) has satisfactorily completed a course of study involving acupuncture from an accredited school of acupuncture which the board shall determine to have educational standards substantially equivalent to the minimum educational standards for acupuncture colleges as established by the ACAOM or NCCAOM;

(d) has satisfactorily passed a license examination approved by the board;

(e) has the reasonable ability to communicate in English; and

(f) has paid all fees required for licensure pursuant to section 16, and amendments thereto.

New Sec. 12. (a) The board, without examination, may issue a license to a person who has been in the active practice of acupuncture in some other state, territory, the District of Columbia or other country upon certification by the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or received other disciplinary actions and that, so far as the records of such authority are concerned, the applicant is entitled to such licensing authority's endorsement. The applicant shall also present proof satisfactory to the board:

(1) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained in Kansas;

(2) that the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state;

(3) the date of the applicant's original license and all endorsed licenses and the date and place from which any license was attained;

(4) the applicant has been actively engaged in practice under such license or licenses since issued. The board may adopt rules and regulations establishing qualitative and quantitative practice activities which qualify as active practice;

(5) that the applicant has a reasonable ability to communicate in English; and

(6) that the applicant has paid all the application fees as prescribed by section 16, and amendments thereto.

(b) An applicant for a license by endorsement shall not be licensed unless, as determined by the board, the applicant's individual qualifications are substantially equivalent to the Kansas requirements for licensure under the acupuncture practice act.

New Sec. 13. The board shall waive the education and examination requirements for an applicant who submits an application on or before January 1, 2018, and who, on or before July 1, 2017:

- (a) Is 21 years of age or older;
- (b) has successfully completed secondary schooling or its equivalent;
- (c) (1) (A) has completed a minimum of 1,350 hours of study, excluding online study in the field of acupuncture; and

(B) has been engaged in the practice of acupuncture with a minimum of 1,500 patient visits during a period of at least three of the five years immediately preceding July 1, 2017, as evidenced by two affidavits from office partners, clinic supervisors or other individuals approved by the board, who have personal knowledge of the years of practice and number of patients visiting the applicant for acupuncture. The board may adopt rules and regulations for further verification of the applicant's practice of acupuncture; or

- (2) has satisfactorily passed a license examination approved by the board;
- (d) has a reasonable ability to communicate in English; and
- (e) has paid all fees required for licensure as prescribed by section 16, and amendments thereto.

New Sec. 14. (a) The license shall be canceled on March 31 of each year unless renewed in the manner prescribed by the board. In each case in which a license is renewed for a period of time of less than 12 months, the board may prorate the amount of the fee established under section 16, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the renewal date of the license.

(b) There is hereby created a designation of an active license. The board is authorized to issue an active license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensed acupuncturists shall be established by rules and regulations adopted by the board.

(c) The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(d) At least 30 days before the renewal date of a licensee's license, the board shall notify the licensee of the renewal date by mail addressed to the licensee's last known mailing address. If the licensee fails to submit the renewal application and pay the renewal fee by the renewal date of the license, the licensee shall be given notice that the licensee has failed to submit the renewal application and pay the renewal fee by the renewal date of the license, that the license will be deemed canceled if not renewed within 30 days following the renewal date, that upon receipt of the renewal application and renewal fee and an additional late fee established by rules and regulations not to exceed \$500 within the 30-day period, the license will not be canceled and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(e) Any license canceled for failure to renew may be reinstated within two years of cancellation upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing education requirements established by the board by rules and regulations. Any person who has not been in the

active practice of acupuncture for which reinstatement is sought or who has not been engaged in a formal educational program during the two years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(f) There is hereby created a designation of an exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of acupuncture for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of acupuncture upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to section 16, and amendments thereto. For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of acupuncture since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety. Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee of: (1) A local health department as defined by K.S.A. 65-241, and amendments thereto; or (2) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(g) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee established pursuant to section 16, and amendments thereto. The board may issue an inactive license only to a person who is not regularly engaged in the practice of acupuncture in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An inactive license shall not entitle the holder to practice acupuncture in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the acupuncture practice act, except as otherwise provided in this subsection. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by subsection (b). Each inactive licensee may apply for an active license upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant

to section 16, and amendments thereto. For those licensees whose licenses have been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice acupuncture within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of acupuncture or engaged in a formal education program since the license has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(h) This section shall take effect on and after July 1, 2017.

New Sec. 15. A person whose license has been revoked may apply for reinstatement after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by the fee established by the board in accordance with section 16, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement. If the board determines that a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

New Sec. 16. The board shall charge and collect in advance nonrefundable fees for acupuncturists as established by the board by rules and regulations, not to exceed:

Initial application for licensure .....	\$700
Annual renewal for active license – paper .....	\$300
Annual renewal for active license – online .....	\$250
Annual renewal for inactive license – paper .....	\$200
Annual renewal for inactive license – online .....	\$150
Annual renewal for exempt license – paper .....	\$200
Annual renewal for exempt license – online .....	\$150
Late renewal fee .....	\$100
Conversion from inactive to active license .....	\$300
Conversion from exempt to active license .....	\$300
Application for reinstatement of revoked license .....	\$1,000
Certified copy of license .....	\$25
Written verification of license .....	\$25

New Sec. 17. The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

New Sec. 18. (a) There is hereby established the acupuncture advisory council to

assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas, appointed as follows:

(1) The board shall appoint one member who is a physician licensed to practice medicine and surgery or osteopathy. The member appointed by the board shall serve at the pleasure of the board. The governor shall appoint three acupuncturists who have at least three years' experience in acupuncture preceding appointment and are actively engaged, in this state, in the practice of acupuncture or the teaching of acupuncture. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas association of oriental medicine. The governor shall appoint one member from the public sector who is not engaged, directly or indirectly, in the provision of health services. Insofar as possible, persons appointed by the governor to the council shall be from different geographic areas.

(2) The members appointed by the governor shall be appointed for terms of four years and until a successor is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(b) The council shall meet at least once each year at a time of its choosing at the board's main office and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(c) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(d) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the healing arts fee fund.

New Sec. 19. The acupuncture advisory council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) the number of yearly continuing education hours required to maintain active licensure;
- (d) changes and new requirements taking place in the areas of acupuncture; and
- (e) such other duties and responsibilities as the board may assign.

New Sec. 20. The board shall promulgate all necessary rules and regulations which may be necessary to administer the provisions of this act and to supplement the provisions herein.

New Sec. 21. (a) A licensee's license may be revoked, suspended, limited or placed on probation, or the licensee may be publicly censured, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

- (1) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;
- (2) the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;
- (3) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board;
- (4) the licensee has been convicted of a felony;
- (5) the licensee has violated any provision of the acupuncture practice act;

- (6) the licensee has violated any lawful order or rule and regulation of the board;
- (7) the licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;
- (8) the licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (9) the licensee has surrendered a license or authorization to practice as an acupuncturist in another state or jurisdiction, has agreed to a limitation or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (10) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as an acupuncturist in another state or jurisdiction or the surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (11) the licensee has an adverse judgment, award or settlement rendered against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
- (12) the licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; or
- (13) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or use of alcohol, drugs or controlled substances. When reasonable suspicion of impairment exists, the board may take action in accordance with K.S.A. 65-2842, and amendments thereto. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding. This provision regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.
- (b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of the acupuncture practice act. All administrative proceedings conducted pursuant to this act shall be in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.
- (c) This section shall take effect on and after July 1, 2017.
- New Sec. 22. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under the acupuncture practice act. Any such action shall be taken in accordance with the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

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

(d) Judicial review and civil enforcement of any agency action under this act shall be in accordance with the Kansas judicial review act.

New Sec. 23. The board or a committee of the board may implement non-disciplinary resolutions concerning a licensed acupuncturist consistent with the provisions of K.S.A. 65-2838a, and amendments thereto.

New Sec. 24. The state board of healing arts, in addition to any other penalty prescribed under the acupuncture practice act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the acupuncture practice act in an amount not to exceed \$2,000 for a first violation, \$5,000 for a second violation and \$10,000 for a third violation and any subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4218, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. Fines collected under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.

New Sec. 25. (a) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information, except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act.

(b) Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be re-disclosed by the receiving agency except as otherwise authorized by law.

(c) This section regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

New Sec. 26. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against a person licensed, registered or certified by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice acupuncture and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

New Sec. 27. (a) The confidential relations and communications between a licensed acupuncturist and the acupuncturist's patient are placed on the same basis as those established between a physician and a physician's patient in K.S.A. 60-427, and amendments thereto.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 28. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2017.

New Sec. 29. If any provision of the acupuncture practice act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the acupuncture practice act which can be given effect without the invalid provision or application, and to this end the provisions of the acupuncture practice act are declared to be severable.

Sec. 30. K.S.A. 2015 Supp. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

- (a) Persons rendering gratuitous services in the case of an emergency.
- (b) Persons gratuitously administering ordinary household remedies.
- (c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.
- (d) Students while in actual classroom attendance in an accredited healing arts school who after completing one year's study treat diseases under the supervision of a licensed instructor.
- (e) Students upon the completion of at least three years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 180 days under the supervision of a licensed practitioner.
- (f) Persons who massage for the purpose of relaxation, muscle conditioning, or

figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.

(g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act.

(h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals or groups, or both, provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.

(i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.

(j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in consultation with practitioners licensed in this state.

(k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(o) Every act or practice falling in the field of the healing arts, not specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, who administers general and local anesthetics to facilitate medical procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899, and amendments thereto, to administer such general and local anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of another state who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state, but who order services which are performed in this state in accordance with rules and regulations of the board. The board shall adopt rules and regulations identifying circumstances in which professional services may be performed in this state based upon an order by a practitioner of the healing arts licensed under the

laws of another state.

(s) Acupuncturists, when licensed and practicing in accordance with sections 6 through 29, and amendments thereto, rules and regulations adopted thereto, and interpretations thereof by the supreme court of this state.

(t) Persons licensed by the state board of cosmetology practicing their professions, when licensed and practicing under and in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

New Sec. 31. (a) The board shall adopt rules and regulations establishing minimum education and training requirements for the practice of dry needling by a licensed physical therapist.

(b) This section shall be part of and supplemental to the physical therapy practice act.

Sec. 32. K.S.A. 2015 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 amendments thereto~~ the physical therapy practice act:

(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; dry needling; 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 who is licensed pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice 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 appropriate, as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters

P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(c) ~~"Physical therapist assistant" means a person who is certified pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the physical therapy practice 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, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

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

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

(f) "Dry needling" means a skilled intervention using a thin filiform needle to penetrate into or through the skin and stimulate underlying myofascial trigger points or muscular or connective tissues for the management of neuromuscular pain or movement impairments.

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

~~(g)~~ (h) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

Sec. 33. K.S.A. 2015 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the physical therapy practice act~~ as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any

educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2015 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. ~~The provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) ~~of this section~~:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under ~~subsection (g) of K.S.A. 65-2872(g),~~ and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under ~~subsection (m) of K.S.A. 65-1124(m),~~ and amendments thereto;
- (8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;
- (9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;
- (10) self-care by a patient or gratuitous care by a friend or family member;
- (11) optometrists practicing their profession when licensed and practicing in

accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; ~~and~~

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; and

(23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by ~~article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto~~ the physical therapy practice act.

New Sec. 34. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the behavioral sciences regulatory board may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or another

jurisdiction. The behavioral sciences regulatory board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The behavioral sciences regulatory board may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the behavioral sciences regulatory board in the taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the behavioral sciences regulatory board.

(c) The behavioral sciences regulatory board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the behavioral sciences regulatory board fee fund. The behavioral sciences regulatory board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the behavioral sciences regulatory board fee fund.

Sec. 35. K.S.A. 65-5806 is hereby amended to read as follows: 65-5806. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-5808, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-5808, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, a licensee shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-5808, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 36. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of

this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice professional counseling ~~during the five years~~ for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a ~~masters~~ master's degree in counseling from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2)~~ of subsection (a) (1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 37. K.S.A. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board ~~shall may fix by rules and regulations~~ the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a professional counselor, not more than \$100;

(2) for an original license as a professional counselor, not more than \$175;

(3) ~~for examination~~ a temporary license as a professional counselor, not more than \$175;

(4) for renewal ~~of a license~~ for licensure as a professional counselor, not more than \$150;

(5) ~~for reinstatement of a license, not more than \$175;~~

~~(6) for replacement of a license, not more than \$20;~~

~~(7) for application for licensure as a clinical professional counselor, not more than \$175;~~

(6) for licensure as a clinical professional counselor, not more than \$175;

~~(8) (7)~~ for renewal for licensure as a clinical professional counselor, not more than \$175;

~~(9) (8)~~ for late renewal penalty, an amount equal to the fee for renewal of a license; ~~and~~

~~(10) for exchange of a license in lieu of registration pursuant to subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed \$150~~

(9) for reinstatement of a license, not more than \$175;

(10) for replacement of a license, not more than \$20; and

(11) for a wallet card license, not more than \$5.

(b) Fees paid to the board are not refundable.

Sec. 38. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse to renew, condition or revoke any license granted under the professional counselors licensure act for any of the following reasons:

~~(a) Use of drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

~~(b) the individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust;~~

~~(c) use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of the professional counselors licensure act or in obtaining permission to take any examination given or required pursuant to the provisions of the professional counselors licensure act;~~

~~(d) obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;~~

~~(e) incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor or clinical professional counselor;~~

~~(f) violation of, or assisting or enabling any individual to violate, any provision of the professional counselors licensure act or any rule and regulation adopted under such act;~~

~~(g) impersonation of any individual holding a license or allowing any individual to use a license or diploma from any school of a person licensed under the professional counselors licensure act or a diploma from any school of an applicant for licensure under the professional counselors licensure act;~~

~~(h) revocation or suspension of a license or other authorization to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized by the professional counselors licensure act;~~

~~(i) the individual is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of professional counseling;~~

~~(j) assisting or enabling any person to hold oneself out to the public or offer to hold oneself out to the public as a licensed professional counselor or a licensed clinical professional counselor who is not licensed under the provisions of the professional counselors licensure act;~~

~~(k) the issuance of the license was based upon a material mistake of fact;~~

~~(l) violation of any professional trust or confidence;~~

~~(m) use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;~~

~~(n) unprofessional conduct as defined by rules and regulations adopted by the board; or~~

(o) the licensee renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure;

- (1) Is incompetent to practice professional counseling, which means:
- (A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;
- (B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or
- (C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice professional counseling;
- (2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;
- (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
- (7) has knowingly made a false statement on a form required by the board for a license or license renewal;
- (8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;
- (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or
- (10) has had a registration, license or certificate as a professional counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory 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.
- (b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.
- (c) Administrative proceedings and disciplinary actions regarding licensure under the professional counselors licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional counselors licensure act shall be in accordance with the Kansas judicial review act.

New Sec. 39. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for a board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical professional counselor and has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date; or

(B) is a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy and has practiced at least two years of clinical practice beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-5806, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 40. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) Except as provided in subsections (b) and (c), an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:

(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~-Licensure to practice social work at the clinical level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and

(C) a ~~masters~~ master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.

(c) Applicants for licensure as a clinical specialist social worker shall additionally

demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:

(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.

(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

~~(f) Such persons shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board.~~

~~(g)~~—Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

~~(h)~~ (g) No person may work under a temporary license except under the supervision of a licensed social worker.

~~(i)~~ (h) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

~~(j)~~ (i) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

~~(k) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.~~

Sec. 41. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as follows: 65-6311. (a) The board may ~~suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:~~

~~(1) Has been convicted of a felony and, after investigation, the board finds that the licensee has not been sufficiently rehabilitated to merit the public trust;~~

~~(2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing needed qualifications under this act;~~

~~(3) has knowingly aided or abetted a person, not a licensed social worker, in representing such person as a licensed social worker in this state;~~

~~(4) has been found guilty of unprofessional conduct as defined by rules established~~

by the board;

~~(5) has been found to have engaged in diagnosis as authorized under K.S.A. 65-6319, and amendments thereto, even though not authorized to engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

~~(6) has been found guilty of negligence or wrongful actions in the performance of duties; or~~

~~(7) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

~~(1) Is incompetent to practice social work, which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice social work;~~

~~(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;~~

~~(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;~~

~~(7) has knowingly made a false statement on a form required by the board for a license or license renewal;~~

~~(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;~~

~~(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or~~

~~(10) has had a license, registration or certificate to practice social work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper licensing regulatory 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.~~

~~(b) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.~~

~~(c) Administrative proceedings and disciplinary actions regarding licensure under~~

the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

Sec. 42. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as follows: 65-6313. (a) All licenses issued shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) (1) Except as otherwise provided in K.S.A. 65-6311, and amendments thereto, a license may be renewed by the payment of the renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the execution and submission of a signed statement, on a form to be provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that applicant has met the requirements for continuing education established by the board including not less than three continuing education hours of professional ethics.

(2) An applicant for renewal of a license as a master social worker or a specialist clinical social worker, as part of such continuing education, shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders.

~~(3) On and after January 1, 2011,~~ An applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant for first time licensure renewal has already taken such training, as part of a previous level of social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety training.

(c) The application for renewal shall be made on or before the date of the expiration of the license or on or before the date of the termination of the period of suspension.

(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee established under K.S.A. 65-6314, and amendments thereto, plus a penalty equal to the renewal fee, and proof satisfactory to the board of the completion of 40 hours of continuing education within two years prior to application for reinstatement. Upon receipt of such payment and proof, the board shall reinstate the license. A license shall be reinstated under this subsection, upon receipt of such payment and proof, at any time after the expiration of such license.

(e) In case of a lost or destroyed license, and upon satisfactory proof of the loss or destruction thereof, the board may issue a duplicate license and shall charge a fee as set forth in K.S.A. 65-6314, and amendments thereto, for such duplicate license.

(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 43. K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) ~~The following fees shall may be established by the board by rules and regulations in accordance with the following limitations, and any such fees shall be established by rules and regulations adopted by the board:~~

(1) Renewal or reinstatement fee for a license as a social work associate shall be not more than \$150.

(2) Application, new license, reinstatement or renewal fee for a license as a

baccalaureate social worker shall be not more than \$150.

(3) Application, new license, reinstatement or renewal fee for a license as master social worker shall be not more than \$150.

(4) Application, new license, reinstatement or renewal fee for a license in a social work specialty shall be not more than \$150.

~~(5) Examination fee for a license as a baccalaureate social worker, for a license as a master social worker or for a license in a social work specialty shall be not more than \$200. If an applicant fails an examination, such applicant may be admitted to subsequent examinations upon payment of an additional fee prescribed by the board of not more than \$200.~~

~~(6) Replacement fee for reissuance of a license certificate due to loss or name change shall be not more than \$20.~~

~~(6) Replacement fee for reissuance of a wallet card shall be not more than \$5.~~

(7) Temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.

(8) Application fee for approval as board-approved continuing education sponsors shall be as follows:

(A) Initial application fee for one year provisionally approved providers shall be not more than \$125;

(B) three-year renewal fees for approved providers shall be not more than \$350; and

(C) application fees for single program providers shall be not more than \$50 for each separately offered continuing education activity for which prior approval is sought.

(b) Fees paid to the board are not refundable.

New Sec. 44. K.S.A. 65-6301 through 65-6320, and this section, and amendments thereto, shall be known and may be cited as the social workers licensure act.

Sec. 45. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) ~~Paying an application fee of no more than \$150, as established by the board under K.S.A. 65-6411, and amendments thereto; and~~

(2) ~~meeting the application requirements as stated in subsections (a)(1), (2) and (4) of K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

(b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

~~(3) A temporary licensee shall take the license examination within six months subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the license examination within six months subsequent to the date of issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first six months.~~

(4)—No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 46. K.S.A. 2015 Supp. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~—Registration, certification or licensure to practice marriage and family therapy ~~during the five years~~ for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a ~~masters~~ master's degree in marriage and family therapy from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2)~~ of subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee

established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 47. K.S.A. 65-6407 is hereby amended to read as follows: 65-6407. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6411, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, the applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 48. K.S.A. 65-6408 is hereby amended to read as follows: 65-6408. The board may refuse to ~~grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure of any individual who the board, after a hearing, determines issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

(1) ~~Is incompetent to practice marriage and family therapy, or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public which means:~~

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

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

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice marriage and family therapy;

(2) is has been convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another

country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

~~(3)~~ (5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board;

~~(4)~~ (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

~~(5)~~ (7) has knowingly made a false statement on a form required by the board for license or license renewal;

~~(6)~~ (8) has failed to obtain continuing education credits required by rules and regulations of the board;

~~(7)~~ (9) has been found ~~guilty of to have engaged in~~ unprofessional conduct as defined by applicable rules and regulations ~~established~~ adopted by the board; or

~~(8)~~ (10) has had a registration, license or certificate as a marriage and family therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

Sec. 49. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board ~~shall may fix by rules and regulations and shall collect~~ the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3) for examination, not to exceed \$275;~~

~~(4) for renewal of a license~~ for licensure as a marriage and family therapist, not to exceed \$175;

~~(5)~~ (4) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

(5) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

(6) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

(7) for reinstatement of a license, not to exceed \$175;

(8) for replacement of a license, not to exceed \$20; ~~and~~

(9) ~~for late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made~~ renewal penalty, an amount equal to the renewal of license; and

(10) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

New Sec. 50. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-6411, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical marriage and family therapist and has practiced as a clinical marriage and family therapist for two years beyond the supervisor's licensure date; or

(B) be a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders and shall have at least two years of professional experience in the independent practice of clinical marriage and family therapy beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-6407, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 51. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and amendments thereto, shall be known and may be cited as the ~~addictions~~ addiction counselor licensure act.

Sec. 52. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as follows: 65-6608. As used in the ~~addictions~~ addiction counselor licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(b) "Addiction counseling" means the utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders.

(c) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas

domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt ~~for from~~ licensure under ~~subsection (m)~~ of K.S.A. 59-29b46(n), and amendments thereto.

(d) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

Sec. 53. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor ~~or~~, a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the ~~addictions~~ addiction counselor licensure act.

(b) On and after September 1, 2016, no person shall engage in the practice of addiction counseling or represent that such person is a licensed master's addiction counselor, master's addiction counselor, master's substance abuse counselor or master's alcohol and drug counselor without having first obtained a license as a master's addiction counselor under the addiction counselor licensure act.

(c) ~~On and after September 1, 2011,~~ No person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor ~~or is~~, a clinical addiction counselor ~~or~~, a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor licensure act.

~~(d)~~ (d) Violation of this section is a class B misdemeanor.

Sec. 54. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

- (1) Has attained the age of 21; ~~and~~
- (2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or  
(B) has completed at least a baccalaureate degree from a college or university approved by the board ~~in a related field that includes. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete~~ a minimum number of semester hours of coursework on substance use disorders as approved by the board; or  
(C) ~~has completed at least a baccalaureate degree from a college or university approved by the board in a related field with additional coursework in addiction~~

~~counseling from a college or university approved by the board, and such degree program and the additional coursework includes a minimum number of semester hours of coursework on substance use disorders as approved by the board; or~~

~~(D) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or and~~

~~(E) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed masters level psychologist; and~~

~~(3) has passed an examination approved by the board; and~~

~~(4) has satisfied the board that the applicant is a person who merits the public trust; and~~

~~(5) each applicant has paid the application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.~~

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Has attained the age of 21;

(B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;

(ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:

(i) Holds an active license by the board as an addiction counselor; and

(ii) has completed at least a master's degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21; and

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not

less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(B) (i) has completed at least a master's degree from a college or university approved by the board ~~in a related field that includes. As part of or in addition to the master's degree coursework, such applicant shall also complete~~ a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) ~~has completed a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and~~

(ii) ~~has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500~~

~~hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or~~

~~(D) (i)~~ has completed a master's degree in a related field from a college or university approved by the board and is licensed by the board as a licensed master's addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than ~~two years~~ one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(E) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-6618, and

amendments thereto.

~~(e)~~ (d) Prior to July 1, 2017, a person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the Kansas department for aging and disability services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

~~(d)~~ (e) Prior to July 1, 2017, any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(e)~~ (f) Prior to July 1, 2017, any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

~~(f) A licensed addiction counselor shall engage in the practice of addiction counseling only in a state licensed or certified alcohol and other drug treatment program, unless otherwise exempt from licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

Sec. 55. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as follows: 65-

6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015 Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by: (1) Paying an application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto; and (2) meeting the application requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)(4), and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

~~(d)~~ (d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.

~~(e)~~ (e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

~~(f)~~ (f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 56. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as follows: 65-6612. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of addiction counseling at the clinical level in another jurisdiction and who is in good standing in that other jurisdiction may engage in the independent practice of clinical addiction counseling as provided by the ~~additions~~ addiction counselor licensure act, in this state for not more than 15 days per year upon receipt of a temporary permit to practice issued by the board.

(b) Any clinical addiction counseling services rendered within any 24-hour period shall count as one entire day of clinical addiction counseling services.

(c) The temporary permit to practice shall be effective on the date of approval by

the board and shall expire December 31 of that year. Upon written application and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days.

(d) The board shall charge a fee for a temporary permit to practice and a fee for an extension of a temporary permit to practice as fixed under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(e) A person who holds a temporary permit to practice clinical addiction counseling in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical addiction counseling in this state.

(f) In accordance with the Kansas administrative procedure act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical addiction counseling in this state without complying with the provisions of this section.

Sec. 57. K.S.A. 2015 Supp. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice as an addiction counseling ~~during the five years~~ counselor for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate ~~or master's degree in addiction counseling~~ from a college or university approved by the board ~~or completion of a baccalaureate or master's degree in a related field that includes all required addiction coursework.~~

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the

master's level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice ~~clinical~~ addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice ~~clinical~~ addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the ~~addictions~~ addiction counselor licensure act and rules and regulations of the board; ~~or and~~

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice ~~clinical~~ addiction counseling during the five years at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board; ~~and~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; ~~and~~

(C) ~~(i)~~ completion of at least a master's degree in ~~clinical addiction counseling~~ from a college or university approved by the board; ~~or~~

~~(ii) completion of at least a master's degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or~~

~~(iii) completion of at least a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and~~

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board; ~~or~~

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders.

~~(e)~~ (d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 2015 Supp. 65-6618, and amendments thereto, if required by the board.

Sec. 58. K.S.A. 2015 Supp. 65-6614 is hereby amended to read as follows: 65-6614. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three hours in ethics. In addition, as part of such continuing education, the master's addiction counselor applicant and the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. ~~Both the clinical addiction counselor applicant and the addiction counselor applicant shall complete not less than three continuing education hours of professional ethics.~~

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 59. K.S.A. 2015 Supp. 65-6615 is hereby amended to read as follows: 65-6615. ~~(a) The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:~~

~~(a) issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:~~

~~(1) Is incompetent to practice addiction counseling, or is found to engage in the practice of addiction counseling in a manner harmful or dangerous to a client or to the public which means:~~

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

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

~~(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice addiction counseling;~~

~~(b) (2) is has been convicted by a court of competent jurisdiction of a felony, misdemeanor crimes against persons or substantiation of abuse against a child, adult or resident of a care facility, even if not practice related offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;~~

~~(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit~~

the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

~~(e)~~ (5) has violated a provision of the ~~addictions~~ addiction counselor licensure act or one or more of the rules and regulations of the board;

~~(f)~~ (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

~~(g)~~ (7) has knowingly made a false statement on a form required by the board for license or license renewal;

~~(h)~~ (8) has failed to obtain continuing education credits required by rules and regulations of the board;

~~(i)~~ (9) has been found ~~guilty of~~ to have engaged in unprofessional conduct as defined by applicable rules and regulations ~~established~~ adopted by the board; or

~~(j)~~ (10) has had a registration, license or certificate as an addiction counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the addiction counselor licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the addiction counselor licensure act shall be in accordance with the Kansas judicial review act.

Sec. 60. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as follows: 65-6616. Nothing in the ~~addictions~~ addiction counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master's level psychology or social work or other professions licensed by the behavioral sciences regulatory board;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master's level psychologists, marriage and family therapists, professional counselors, or other

professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

Sec. 61. K.S.A. 2015 Supp. 65-6617 is hereby amended to read as follows: 65-6617. (a) A person licensed under the ~~addictions~~ addiction counselor licensure act and employees and professional associates of the person shall not be required to disclose any information that the person, employee or associate may have acquired in rendering addiction counseling services, unless:

- (1) Disclosure is required by other state laws;
- (2) failure to disclose the information presents a clear and present danger to the health or safety of an individual;
- (3) the person, employee or associate is a party defendant to a civil, criminal or disciplinary action arising from the therapy, in which case a waiver of the privilege accorded by this section is limited to that action;
- (4) the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that person's behalf; or
- (5) a client agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such family member agrees to the waiver. Absent a waiver from each family member, an addiction counselor shall not disclose information received from a family member.

(b) Nothing in this section or in this act shall be construed to prohibit any person licensed under the ~~addictions~~ addiction counselor licensure act from testifying in court hearings concerning matters of adult abuse, adoption, child abuse, child neglect or other matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors, or both, on behalf of a client. There is no privilege under this section for information which is required to be reported to a public official.

Sec. 62. K.S.A. 2015 Supp. 65-6618 is hereby amended to read as follows: 65-6618. (a) The board ~~shall may~~ fix by rules and regulations and shall collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as an addiction counselor, not to exceed \$150;
- (2) for original licensure as an addiction counselor, not to exceed \$150;
- (3) for renewal ~~of a license for licensure~~ as an addiction counselor, not to exceed \$150;
- (4) for a temporary license ~~as an addiction counselor~~, not to exceed \$100;
- (5) for application for licensure as a master's addiction counselor, not to exceed \$150;
- (6) for original licensure as a master's addiction counselor, not to exceed \$150;
- (7) for renewal for licensure as a master's addiction counselor, not to exceed \$150;
- (8) for application for licensure as a clinical addiction counselor, not to exceed \$150;

- (6)(9) for original licensure as a clinical addiction counselor, not to exceed \$150;  
 (7)(10) for renewal for licensure as a clinical addiction counselor, not to exceed \$150;  
 (8)(11) for a temporary permit to practice clinical addiction counseling, not to exceed \$200;  
 (9)(12) for extension of a temporary permit to practice clinical addiction counseling, not to exceed \$200;  
 (10)(13) for reinstatement of a license, not to exceed \$150;  
 (11)(14) for replacement of a license, not to exceed \$20; ~~and~~  
 (12)(15) for late renewal penalty, an amount equal to the fee for renewal; and  
 (16) for a wallet license, not more than \$5.

(b) The board shall require that fees paid for any examination under the ~~addictions~~ addiction counselor licensure act be paid directly to the examination services by the person taking the examination.

(c) Fees paid to the board are not refundable.

Sec. 63. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as follows: 65-6620. A licensee under the ~~addictions~~ addiction counselor licensure act, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensee's training and the title or titles and license or licenses of such licensee. As a part of such obligation, such licensee shall disclose whether such licensee has a baccalaureate, master's degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine degree or some other doctoral degree. If such licensee does not have a medical doctor's degree, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins, and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client's record.

Sec. 64. K.S.A. 2015 Supp. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays an application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, an original license fee not in excess of \$150, which shall not be refunded, who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item~~

~~(3) of subsection (a)(3).~~ The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3) of subsection (a)(3)~~ and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 65. K.S.A. 74-5311 is hereby amended to read as follows: 74-5311. ~~Examinations for applicants under this act shall be held by the board from time to time but not less than once each year.~~ The board shall adopt rules and regulations governing the subject, scope, and form of ~~the examinations for applicants under this act~~ or shall contract with a national testing service to provide an examination approved by the board. ~~The board shall prescribe an initial examination fee not to exceed \$350. If an applicant fails the first examination, such applicant may be admitted to any subsequent examination upon payment of an additional fee prescribed by the board not to exceed \$350. The examination fees prescribed by the board under this section shall be fixed by rules and regulations of the board.~~

Sec. 66. K.S.A. 2015 Supp. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure as a psychologist at the doctoral level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 67. K.S.A. 2015 Supp. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, who must wait for completion of the next examination, who have paid the required application, examination and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) ~~The temporary license shall expire upon receipt and recording of the temporary~~

~~licensee's second examination score by the board if such temporary licensee fails the examination after two attempts or upon the date the board issues or denies the temporary licensee a license to practice psychology if such temporary licensee passes the examination;~~

(2)—Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board;

~~(2)~~ (2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

~~(3)~~ (3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

~~(4)~~ (4) the fee for such temporary license shall may be fixed ~~by rules and regulations adopted~~ by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to ~~subsection (a)(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period after expiration;

(3) temporary licensees shall take the license examination pursuant to ~~subsection (a)(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in ~~subsection (a)(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license shall may be fixed ~~by rules and regulations adopted~~ by the board and shall not exceed \$200 per issuance, and any such

fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP" independently. The word "licensed" may be used only when preceded by the word "temporary" such as temporary licensed psychologist, or the initials "TLP."

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (b) or (c) ~~of this section.~~

Sec. 68. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. ~~On or before the first day of April of alternate years, the board shall mail to every psychologist licensed in Kansas an application blank for renewal, which shall contain space for insertion of information as required for the application blank under K.S.A. 74-5317 and amendments thereto, addressing the same to the post office address given at the last previous renewal. In addition, The~~ (a) An application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(b) A licensee shall submit the application to the board with a renewal fee fixed by rules and regulations of the board not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal license for the period commencing on the date on which the license is issued and expiring on June 30 of the next even-numbered year. Initial licenses shall be for the current biennium of registration.

(c) Applications for renewal of a license shall be made biennially on or before July 1 and, if not so made, an additional fee equal to the renewal fee shall be added to the regular renewal fee.

(d) Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after July 1 shall be in violation of the licensure of psychologists act of the state of Kansas. The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.

(e) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 69. K.S.A. 2015 Supp. 74-5324 is hereby amended to read as follows: 74-5324. ~~(a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any psychologist upon proof that the psychologist: (a) Has been convicted of a felony involving moral turpitude; or (b) has been guilty of fraud or deceit in connection with services rendered as a psychologist or in establishing qualifications under this act; or (c) has aided or abetted a person, not a licensed psychologist, in representing such person as a psychologist in this state; or (d) has been guilty of unprofessional conduct as defined by rules and regulations established by the board; or (e) has been guilty of negligence or wrongful actions in the performance of duties; or (f) has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement or (g) refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation~~

upon a finding that a licensee or an applicant for a license:

- (1) Is incompetent to practice psychology, which means:
  - (A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;
  - (B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or
  - (C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice psychology;
- (2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (5) has violated a provision of the licensure of psychologists act of the state of Kansas or one or more rules and regulations of the board;
- (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
- (7) has knowingly made a false statement on a form required by the board for a license or license renewal;
- (8) has failed to obtain continuing education credits as required by rules and regulations of the board;
- (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or
- (10) has had a registration, license or certificate as a psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.
  - (b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.
  - (c) Administrative proceedings and disciplinary actions regarding licensure under the licensure of psychologists act of the state of Kansas shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the licensure of psychologists of the state of Kansas act shall be in accordance with the Kansas judicial review act.

Sec. 70. K.S.A. 74-5361 is hereby amended to read as follows: 74-5361. As used in this act:

- (a) "Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.
- (b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

(c) "Licensed ~~masters~~ master's level psychologist" means a person licensed by the board under the provisions of this act.

(d) "Licensed clinical psychotherapist" means a person licensed by the board under this act who engages in the independent practice of ~~masters~~ master's level psychology including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(e) "~~Masters~~ Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

Sec. 71. K.S.A. 74-5362 is hereby amended to read as follows: 74-5362. (a) Any person who is licensed under the provisions of this act as a licensed ~~masters~~ master's level psychologist shall have the right to practice psychology ~~only insofar as such practice is part of the duties of such person's paid position and is performed solely on behalf of the employer,~~ so long as such practice is under the direction of a licensed clinical psychotherapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, ~~a licensed masters level psychologist licensee under the licensure of master's level psychologists act~~ shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed ~~masters~~ master's level psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(b) A licensed ~~masters~~ master's level psychologist may use the title licensed ~~masters~~ master's level psychologist and the abbreviation LMLP but may not use the title licensed psychologist or psychologist. A licensed clinical psychotherapist may use the title licensed clinical psychotherapist and the abbreviation LCP but may not use the title licensed psychologist or psychologist.

Sec. 72. K.S.A. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall license as a licensed ~~masters~~ master's level psychologist any applicant for licensure who pays the fee prescribed by the board under K.S.A. 74-5365, and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection ~~(b)~~. An applicant for licensure also shall submit evidence ~~verified under oath and~~ satisfactory to the board that such applicant:

- (1) Is at least 21 years of age;
- (2) has satisfied the board that the applicant is a person who merits public trust;
- (3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution

having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

(4) has completed 750 clock hours of academically supervised practicum in the master's degree program or 1,500 clock hours of postgraduate supervised work experience;

(5) has passed an examination approved by the board with a minimum score set by the board by rules and regulations ~~at 10 percentage points below the score set by the board for licensed psychologists.~~

(c) (1) Applications for licensure as a clinical psychotherapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed ~~masters~~ master's level psychologist or meets all requirements for licensure as a ~~masters~~ master's level psychologist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of ~~the following content areas:~~ Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the

American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education requirements for licensure as a licensed ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary ~~permit license~~ to practice as a licensed ~~masters~~ master's level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under ~~parts subparagraphs~~ (B), (C) and (D) ~~of this subsection~~, has completed the education and training requirements for licensure as a ~~masters~~ master's level psychologist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board with the same minimum passing score as that set by the board for licensed psychologists; and

(H) has paid the application fee, if required by the board.

(2) A person who was licensed or registered as a ~~masters~~ master's level psychologist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of ~~masters~~ master's level psychology as a registered or licensed ~~masters~~ master's level psychologist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical psychotherapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders;

or

(C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical psychotherapist may engage in the independent practice of ~~masters~~ master's level psychology and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical psychotherapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical psychotherapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under ~~item~~

~~(3) of subsection (b)(3).~~ The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of ~~item (3) of~~ subsection (b)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 73. K.S.A. 74-5365 is hereby amended to read as follows: 74-5365. (a) The application, issuance of a new license and renewal fee for licensure under this act shall following fees may be fixed by the board by rules and regulations in an amount not to exceed \$200; for licensure under the licensure of master's level psychologists act: For application, issuance of a new license and renewal of a license, an amount not to exceed \$200; for replacement of a license, an amount not to exceed \$20; and for a wallet card license, an amount not to exceed \$5. Any such fees required by the board shall be established by rules and regulations adopted by the board.

(b) Fees paid to the board are not refundable.

(c) The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. As part of such continuing education, a licensed ~~masters~~ master's level psychologist and a licensed clinical psychotherapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 74. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary license to practice as a licensed ~~masters~~ master's level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed ~~masters~~ master's level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.

~~(b)-(1)~~ Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice ~~masters~~ master's level psychology or 24 months after the date of issuance of the temporary license. No temporary license issued by the board will be renewed or issued again on any subsequent applications for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

~~(2) A temporary licensee shall take the examination within the first 12 months subsequent to the issuance of the temporary license unless there are extenuating circumstances approved by the board or if the temporary licensee does not take the examination within the first 12 months subsequent to the issuance of the temporary license and no extenuating circumstances have been approved by the board, the temporary license will expire after the first 12 months.~~

(c) The board ~~shall~~ may fix by rules and regulations a fee for the application of the temporary license. The application fee shall not exceed \$100. Any such fee shall be established by rules and regulations adopted by the board.

(d) A person practicing ~~masters~~ master's level psychology with a temporary license may not use the title "licensed ~~masters~~ master's level psychologist" or the initials "LMLP" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed ~~masters~~ master's level psychologist by temporary license, or ~~masters~~ master's level psychologist licensed by temporary license.

(e) No person may work under a temporary license except under the supervision of a person licensed to practice psychology or ~~masters~~ master's level psychology in Kansas.

(f) The application for a temporary license may be denied or a temporary license which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369, and amendments thereto.

(g) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 75. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, may be denied or a license granted under this act may be suspended, limited, revoked, have a condition placed on it or not renewed by the board upon proof that the applicant or licensee:~~

- ~~(a) Has been convicted of a felony involving moral turpitude;~~
- ~~(b) has been found guilty of fraud or deceit in connection with the rendering of professional services or in establishing such person's qualifications under this act;~~
- ~~(c) has aided or abetted a person not licensed as a psychologist, licensed under this act or an uncertified assistant, to hold oneself out as a psychologist in this state;~~
- ~~(d) has been guilty of unprofessional conduct as defined by rules and regulations of the board;~~
- ~~(e) has been guilty of neglect or wrongful duties in the performance of duties; or~~
- ~~(f) (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:~~

- (1) Is incompetent to practice psychology, which means:
  - (A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;
  - (B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or
  - (C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice master's level psychology;
- (2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of master's level psychologists act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the board; or

(10) has had a registration, license or certificate as a ~~masters~~ master's level psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, and disciplinary actions regarding licensure under the licensure of master's level psychologists act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, the licensure of master's level psychologists act shall be in accordance with the Kansas judicial review act.

Sec. 76. K.S.A. 74-5370 is hereby amended to read as follows: 74-5370. The board may adopt rules and regulations to administer the provisions of ~~K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto~~ the licensure of master's level psychologists act.

Sec. 77. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the ~~masters~~ master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the ~~masters~~ master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) ~~Continuous~~ Registration, certification or licensure to practice psychology at the ~~masters~~ master's level ~~during the five years for at least 60 of the last 66 months~~ immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a ~~masters~~ master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either ~~paragraph (1) or (2) of subsection (a)(1) or (a)(2)~~ and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 78. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5375~~ 74-5374 and K.S.A. 2015 Supp. 74-5375, and amendments thereto, shall be known and may be cited as the licensure of ~~masters~~ master's level psychologists act.

Sec. 79. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or ~~the addictions~~ addiction counselor licensure act;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, are licensed under the licensure of psychologists act of the state of Kansas, ~~are licensed under the professional counselors licensure act, are licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, are licensed under the marriage and family therapists licensure act or ~~are licensed under the addictions~~ addiction counselor licensure act;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors

licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or the ~~additions~~ addiction counselor licensure act;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or the ~~additions~~ addiction counselor licensure act;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, ~~licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~licensed under the marriage and family therapists licensure act or licensed under the~~ additions addiction counselor licensure act;

(7) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, ~~licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~licensed under the marriage and family therapists licensure act or licensed under the~~ additions addiction counselor licensure act;

(8) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, ~~for licensure under the professional counselors licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, ~~for licensure under the marriage and family therapists licensure act, for licensure under the~~ additions addiction counselor licensure act and for issuance of such certificates and such licenses;

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the social workers licensure act, the licensure of master's level psychologists act,

the applied behavior analysis licensure act, the marriage and family therapists licensure act and the ~~addictions~~ addiction counselor licensure act and to carry out the purposes thereof;

(11) appoint an executive director and other employees as provided in K.S.A. 74-7501, and amendments thereto; and

(12) exercise such other powers and perform such other functions and duties as may be prescribed by law.

(b) ~~The behavioral sciences regulatory board, in addition to any other penalty, may assess an administrative penalty, after notice and an opportunity to be heard, against a licensee or registrant for a violation of any of the provisions of the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the addictions counselor licensure act in an amount not to exceed \$1,000. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.~~

~~(c) If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the actual costs shall be charged to such person as in ordinary civil actions in the district court in an amount not to exceed \$200. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.~~

Sec. 80. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as follows: 74-7508. (a) In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the behavioral sciences regulatory board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the behavioral sciences, or other public or private agency if such document, report, record or other physical evidence relates to practices which may be grounds for disciplinary action.

(b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices which may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not

relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized agent to produce documents, reports, records or other physical evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid license a profession regulated by the board for which the practitioners of the profession are required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the licensure of psychologists act, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act, or any valid rule or regulation of the board, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

(c) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the behavioral sciences regulatory board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action

under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be redisclosed by the receiving agency except as otherwise authorized by law.

(d) Nothing in this section or any other provision of law making communications between a practitioner of one of the behavioral sciences and the practitioner's client or patient a privileged or confidential communication shall apply to investigations or proceedings conducted pursuant to this section. The behavioral sciences regulatory board and its employees, agents and representatives shall keep in confidence the content and the names of any clients or patients whose records are reviewed during the course of investigations and proceedings pursuant to this section.

(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) In all matters pending before the behavioral sciences regulatory board, the board shall have the option to censure the licensee or registrant in lieu of other disciplinary action.

Sec. 81. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health

services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

~~(e)~~ (h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to ~~subsection (b) or (c)~~ of K.S.A. 59-29b54 (b) or (c), and amendments thereto.

~~(f)~~ (i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection ~~(k)~~ (m); or

(2) uses alcoholic beverages or any substance ~~as defined in subsection (k)~~ to the extent that the person's health may be substantially impaired or endangered without treatment.

~~(g)~~ (j) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, ~~as defined in subsection (f)~~, who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance ~~as defined in subsection (k)~~, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

~~(h)~~ (k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law

to practice medicine and surgery within that hospital or agency.

~~(h)~~ (l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

~~(j)~~ "~~State certified alcohol and drug abuse counselor~~" means a person approved by the secretary for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.

~~(k)~~ (m) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments thereto; or  
(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

~~(l)~~ (n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

~~(m)~~ (o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

~~(n)~~ (p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 82. K.S.A. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at Osawatomie state hospital or at Larned state hospital may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application

shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;
- (4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and
- (5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;
- (4) the factual circumstances in support of that belief;
- (5) any pending criminal charges, if known;
- (6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and

(7) the application shall also be accompanied by a statement in writing of a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.

(d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 83. K.S.A. 59-29b61 is hereby amended to read as follows: 59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of~~ K.S.A. 59-29b60 ~~(a)(5), and~~ (5), and amendments thereto, shall be served in the manner provided for in ~~a subsections (c) and (d) of~~ K.S.A. 59-29b63 ~~(c) and (d), and~~ amendments thereto. It shall order the proposed patient to submit to an evaluation to be conducted by a physician, psychologist or ~~state certified alcohol and drug abuse~~ licensed addiction counselor and to undergo such other medical examinations or evaluations as may be designated by the court in the order, except that any proposed patient who is not subject to a temporary custody order issued pursuant to K.S.A. 59-29b59, and amendments thereto, and who requests a hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not submit to such evaluations or examinations until that hearing has been held and the court finds that

there is probable cause to believe that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act. The evaluation may be conducted at a treatment facility, the home of the proposed patient or any other suitable place that the court determines is not likely to have a harmful effect on the welfare of the proposed patient.

(b) At the time designated by the court in the order, but in no event later than three days prior to the date of the trial provided for in K.S.A. 59-29b65, and amendments thereto, the examiner shall submit to the court a report, in writing, of the evaluation which report also shall be made available to counsel for the parties at least three days prior to the trial. The report also shall be made available to the proposed patient and to whomever the patient directs, unless for good cause recited in the order, the court orders otherwise. Such report shall state that the examiner has made an examination of the proposed patient and shall state the opinion of the examiner on the issue of whether or not the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and the examiner's opinion as to the least restrictive treatment alternative which will protect the proposed patient and others and allow for the improvement of the proposed patient if treatment is ordered.

Sec. 84. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file, a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949, (b)(3) or subsection (b)(3) of K.S.A. 59-29b49(b)(3),~~ and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment

facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional, which shows that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-2946(i)~~ or K.S.A. 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, or that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward, at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d) (1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the

proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(i)~~ or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b, and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 85. K.S.A. 65-4016 is hereby amended to read as follows: 65-4016. The secretary shall adopt rules and regulations with respect to treatment facilities to be licensed and designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare ~~including, but not limited to, minimum qualifications for employees of licensed or certified programs which are less than the qualifications required for a registered alcohol and other drug abuse counselor.~~ Boards of trustees or directors of institutions licensed under this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel.

Sec. 86. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as follows: 65-4024a. As used in this act:

(a) "Act" means the alcohol or other drug addiction treatment act.

(b) "Alcohol or other drug addiction" means a pattern of substance use, leading to significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:

(1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;

(2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;

(3) the substance is often taken in larger amounts or over a longer period than was

intended;

(4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;

(5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;

(6) important social, occupational or recreational activities are given up or reduced because of substance use;

(7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

(c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.

(d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.

~~(e) "Counselor" means an individual whose education, experience and training has been evaluated and approved by the Kansas department for aging and disability services to provide the scope of practice afforded to an alcohol and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.~~

~~(f)~~ "Department" means the Kansas department for aging and disability services.

~~(g)~~ (f) "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.

~~(h)~~ (g) "Discharge" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(i)~~ (h) "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.

~~(j)~~ (i) "Head of the treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(k)~~ (j) "Incapacitated by alcohol" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(l)~~ (k) "Intoxicated individual" means an individual who is under the influence of alcohol or drugs or both.

~~(m)~~ (l) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(m) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

(n) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by

rules and regulations and is licensed by the behavioral sciences regulatory board.

(o) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(p) ~~"Patient" shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(~~q~~) (q) ~~"Private treatment facility" shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(~~r~~) (r) ~~"Public treatment facility" shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(~~s~~) (s) ~~"Treatment" shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(~~t~~) (t) ~~"Treatment facility" shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(~~u~~) (u) "Secretary" means the secretary for aging and disability services.

New Sec. 87. This act shall be known and may be cited as the interstate medical licensure compact.

## INTERSTATE MEDICAL LICENSURE compact

### SECTION 1

#### PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

### SECTION 2

#### DEFINITIONS

In this compact:

(a) "Bylaws" means those bylaws established by the interstate commission pursuant to section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(e) "Interstate commission" means the interstate commission created pursuant to section 11.

(f) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(g) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(h) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government.

(i) "Member state" means a state that has enacted the compact.

(j) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(k) "Physician" means any person who:

(1) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the international medical education directory or its equivalent;

(2) passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(3) successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;

(4) holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;

(5) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(6) has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(7) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(8) has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and

(9) is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

(l) "Offense" means a felony, gross misdemeanor or crime of moral turpitude.

(m) "Rule" means a written statement by the interstate commission promulgated

pursuant to section 12 of the compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

(n) "State" means any state, commonwealth, district or territory of the United States.

(o) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

### SECTION 3 ELIGIBILITY

(a) A physician must meet the eligibility requirements as defined in section 2(k) to receive an expedited license under the terms and provisions of the compact.

(b) A physician who does not meet the requirements of section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

### SECTION 4 DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

- (1) The state of primary residence for the physician;
- (2) the state where at least 25% of the practice of medicine occurs;
- (3) the location of the physician's employer; or
- (4) if no state qualifies under subsection (a)(1), subsection (a)(2) or subsection (a)(3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in subsection (a).

(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

### SECTION 5 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination and other qualifications as determined by the interstate commission through rule, shall not be

subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

#### SECTION 6 FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

#### SECTION 7 RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician:

- (1) Maintains a full and unrestricted license in a state of principal license;
- (2) has not been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
- (3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and
- (4) has not had a controlled substance license or permit suspended or revoked by a

state or the United States drug enforcement administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician's license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

#### SECTION 8 COORDINATED INFORMATION SYSTEM

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

(d) Member boards may report any non-public complaint, disciplinary or investigatory information not required by subsection (c) to the interstate commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

#### SECTION 9 JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

SECTION 10  
DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct, which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90-day suspension period in a manner consistent with the medical practice act of that state.

SECTION 11  
INTERSTATE MEDICAL LICENSURE  
COMPACT COMMISSION

(a) The member states hereby create the interstate medical licensure compact commission.

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A

commissioner shall be:

(1) An allopathic or osteopathic physician appointed to a member board;  
(2) an executive director, executive secretary or similar executive of a member board; or

(3) a member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

(1) Relate solely to the internal personnel practices and procedures of the interstate commission;

(2) discuss matters specifically exempted from disclosure by federal statute;

(3) discuss trade secrets, commercial or financial information that is privileged or confidential;

(4) involve accusing a person of a crime, or formally censuring a person;

(5) discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) discuss investigative records compiled for law enforcement purposes; or

(7) specifically relate to the participation in a civil action or other legal proceeding.

(i) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

(k) The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.

(l) The interstate commission may establish other committees for governance and administration of the compact.

SECTION 12  
POWERS AND DUTIES OF  
THE INTERSTATE COMMISSION

The interstate commission shall have the duty and power to:

- (a) Oversee and maintain the administration of the compact;
- (b) promulgate rules which shall be binding to the extent and in the manner provided for in the compact;
- (c) issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules and actions;
- (d) enforce compliance with compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
- (e) establish and appoint committees including, but not limited to, an executive committee as required by section 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties;
- (f) pay, or provide for the payment of the expenses related to the establishment, organization and ongoing activities of the interstate commission;
- (g) establish and maintain one or more offices;
- (h) borrow, accept, hire or contract for services of personnel;
- (i) purchase and maintain insurance and bonds;
- (j) employ an executive director who shall have such powers to employ, select or appoint employees, agents or consultants, and to determine their qualifications, define their duties and fix their compensation;
- (k) establish personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;
- (l) accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it in a manner consistent with the conflict of interest policies established by the interstate commission;
- (m) lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed;
- (n) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (o) establish a budget and make expenditures;
- (p) adopt a seal and bylaws governing the management and operation of the interstate commission;
- (q) report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;
- (r) coordinate education, training and public awareness regarding the compact, its implementation and its operation;
- (s) maintain records in accordance with the bylaws;
- (t) seek and obtain trademarks, copyrights and patents; and
- (u) perform such functions as may be necessary or appropriate to achieve the

purposes of the compact.

#### SECTION 13 FINANCE POWERS

(a) The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission.

#### SECTION 14 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within 12 months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in subsection (b) shall serve without remuneration from the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action.

Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

#### SECTION 15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the "model state administrative procedure act" of 2010, and subsequent amendments thereto.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

#### SECTION 16 OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative and judicial branches of state government in each

member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law, but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact, which may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact or promulgated rules.

#### SECTION 17 ENFORCEMENT OF INTERSTATE COMPACT

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

#### SECTION 18 DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

(2) provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the

offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state, which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

#### SECTION 19 DISPUTE RESOLUTION

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

#### SECTION 20 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state is eligible to become a member state of the compact.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

(c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.

(d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### SECTION 21 WITHDRAWAL

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

(d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided under subsection (c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

## SECTION 22 DISSOLUTION

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state, which reduces the membership in the compact to one member state.

(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

## SECTION 23 SEVERABILITY AND CONSTRUCTION

(a) The provisions of the compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of the compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

## SECTION 24 BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the interstate commission, including all rules and bylaws

promulgated by the commission, are binding upon the member states.

(d) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

New Sec. 88. The provisions of sections 88 through 97, and amendments thereto, shall be known and may be cited as the independent practice of midwifery act.

New Sec. 89. As used in the independent practice of midwifery act:

(a) "Board" means the state board of healing arts.  
 (b) "Certified nurse-midwife" means an individual who:  
 (1) Is educated in the two disciplines of nursing and midwifery;  
 (2) is currently certified by a certifying board approved by the state board of nursing; and

(3) is currently licensed under the Kansas nurse practice act.

(c) "Independent practice of midwifery" means the provision of clinical services by a certified nurse-midwife without the requirement of a collaborative practice agreement with a person licensed to practice medicine and surgery when such clinical services are limited to those associated with a normal, uncomplicated pregnancy and delivery, including:

(1) The prescription of drugs and diagnostic tests;  
 (2) the performance of episiotomy or repair of a minor vaginal laceration;  
 (3) the initial care of the normal newborn; and  
 (4) family planning services, including treatment or referral of male partners for sexually-transmitted infections.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 90. (a) In order to obtain authorization to engage in the independent practice of midwifery, a certified nurse-midwife must meet the following requirements:

(1) Be licensed to practice professional nursing under the Kansas nurse practice act;  
 (2) have successfully completed a course of study in nurse-midwifery in a school of nurse-midwifery approved by the board;

(3) have successfully completed a national certification approved by the board;

(4) have successfully completed a refresher course as defined by rules and regulations of the board, if the individual has not been in active midwifery practice for five years immediately preceding the application;

(5) be authorized to perform the duties of a certified nurse-midwife by the state board of nursing;

(6) be licensed as an advanced practice registered nurse by the state board of nursing; and

(7) have paid all fees for licensure prescribed in section 92, and amendments thereto.

(b) Upon application to the board by any certified nurse-midwife and upon satisfaction of the standards and requirements established under this act, the board shall grant an authorization to the applicant to engage in the independent practice of midwifery.

(c) A person whose licensure has been revoked may make written application to the

board requesting reinstatement of the license in a manner prescribed by the board, which application shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 91. (a) Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board, unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the fee prescribed in section 92, and amendments thereto.

(b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration, by mail, addressed to the licensee's last known mailing address. If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, the renewal fee, and the late renewal fee are received by the board within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(c) The board may require any licensee, as a condition of renewal, to submit with the application of renewal evidence of satisfactory completion of a program of continuing education as required by rules and regulations of the board.

(d) The provisions of this section shall become effective on January 1, 2017.

New Sec. 92. (a) The board shall charge and collect, in advance, fees for certified nurse-midwives, as established by the board, not to exceed:

Application for license .....	\$100
License renewal .....	\$100
Late license renewal .....	\$100
License reinstatement fee .....	\$100
Revoked license fee .....	\$100
Certified copy of license .....	\$50
Verified copy of license .....	\$25

(b) The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such amount shall be credited to the state general fund, and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or persons designated by the president.

(c) The provisions of this section shall become effective on January 1, 2017.

New Sec. 93. (a) It shall be unlawful for a person to engage in the independent practice of midwifery without a collaborative practice agreement with a person licensed to practice medicine and surgery, unless such certified nurse-midwife holds a license from the state board of nursing and the board.

(b) The provisions of this section shall become effective on January 1, 2017.

New Sec. 94. (a) The board, in consultation with the state board of nursing, shall adopt rules and regulations pertaining to certified nurse-midwives engaging in the

independent practice of midwifery and governing the ordering of tests, diagnostic services and prescribing of drugs and referral or transfer to physicians in the event of complications or emergencies. Such rules and regulations shall not be adopted until the state board of nursing and the board have consulted and concurred on the content of each rule and regulation. Such rules and regulations shall be adopted no later than January 1, 2017.

(b) A certified nurse midwife engaging in the independent practice of midwifery shall be subject to the provisions of the independent practice of midwifery act with respect to the ordering of tests, diagnostic services and prescribing of drugs, and shall not be subject to the provisions of K.S.A. 65-1130, and amendments thereto.

(c) The standards of care for certified nurse-midwives in the ordering of tests, diagnostic services and the prescribing of drugs shall be those standards which protect patients and shall be standards comparable to persons licensed to practice medicine and surgery providing the same services.

(d) The board is hereby authorized to solely adopt those rules and regulations necessary to administer the administrative provisions of this act.

New Sec. 95. (a) The board may deny, revoke, limit or suspend any license or authorization issued to a certified nurse-midwife to engage in the independent practice of midwifery that is issued by the board or applied for under this act, or may publicly censure a licensee or holder of a temporary permit or authorization, if the applicant or licensee is found after a hearing:

(1) To be guilty of fraud or deceit while engaging in the independent practice of midwifery or in procuring or attempting to procure a license to engage in the independent practice of midwifery;

(2) to have been found guilty of a felony or to have been found guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice and engage in the independent practice of midwifery shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2015 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) to have committed an act of professional incompetence as defined in subsection (c);

(4) to be unable to practice the healing arts with reasonable skill and safety by reason of impairment due to physical or mental illness or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery or release to any person or entity outside of a board proceeding. The provisions of this paragraph providing confidentiality of records shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022;

(5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(6) to be guilty of unprofessional conduct as defined by rules and regulations of the

board;

(7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act;

(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to have been publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country, or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph; or

(9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty to a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2015 Supp. 21-5407, 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. 60-4404, and amendments thereto; or

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state, except the crime of perjury as defined in K.S.A. 2015 Supp. 21-5903, and amendments thereto.

(c) As used in this section, "professional incompetency" means:

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

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to engage in the independent practice of midwifery.

(d) The board, upon request, shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions, as necessary, for the purpose of determining initial and continuing qualifications of licensees and applicants for licensure by the board.

(e) The provisions of this section shall become effective on January 1, 2017.

New Sec. 96. (a) There is hereby established a nurse-midwives council to advise the board in carrying out the provisions of this act. The council shall consist of seven members, all residents of the state of Kansas appointed as follows: Two members shall be licensees of the board, appointed by the board, who are licensed to practice medicine and surgery and whose specialty and customary practice includes obstetrics; one member shall be the president of the board or a board member designated by the

president; and four members shall be licensed certified nurse-midwives appointed by the board of nursing.

(b) If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any.

New Sec. 97. (a) Nothing in the independent practice of midwifery act should be construed to authorize a certified nurse-midwife engaging in the independent practice of midwifery under such act to perform, induce or prescribe drugs for an abortion.

(b) The provisions of this section shall become effective on January 1, 2017.

Sec. 98. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130 is hereby amended to read as follows: (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse unless such professional nurse has complied with requirements established by the board and holds a valid license as an advanced practice registered nurse in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced practice registered nurses which:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this ~~subsection (e)(3) paragraph~~ which is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse, which protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and which authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a licensure as an advanced practice registered nurse; (B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board; (C) the scope and limitations of advanced

practice nursing prescribed by national advanced practice organizations; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced practice registered nurse may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced practice registered nurse shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse exceed the normal and customary practice of the responsible physician. An advanced practice registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 ~~to through~~ 65-1164, ~~inclusive~~, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse when prescribing drugs.

(e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.

(g) An advanced practice registered nurse certified in the role of certified nurse-midwife and engaging in the independent practice of midwifery under the independent practice of midwifery act with respect to prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

Sec. 99. On and after January 1, 2017, K.S.A. 2015 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) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "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.

(e) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(f) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed.

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

(h) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs 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.

(i) "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.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

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

(l) "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.

(m) "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.

(n) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(o) "Distribute" means to deliver, other than by administering or dispensing, any

drug.

(p) "Distributor" means a person who distributes a drug.

(q) "Drop shipment" means the sale, by a manufacturer, that manufacturer's co-licensure, 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 person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensure, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel."

(r) "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~~ human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of ~~man~~ human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (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.

(s) "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; or (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(t) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(u) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(v) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(w) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(x) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(y) "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.

(z) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

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

(bb) (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.

(cc) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(dd) "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.

(ee) "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 people with intellectual disability.

(ff) "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.

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

(hh) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016,~~ pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(ii) "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.

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

(kk) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(ll) "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.

(mm) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who has successfully passed equivalency examinations approved by the board.

(nn) "Pharmacy," "drugstore" 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.

(oo) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers, and is controlled by the pharmacy.

(pp) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary 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.

(qq) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(rr) "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.

(ss) "Prescriber" means a practitioner or a mid-level practitioner.

(tt) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of

communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

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

(vv) "Prescription-only drug" means any drug whether intended for use by ~~man~~ human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ww) "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.

(xx) "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.

(yy) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(zz) "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.

(aaa) "Secretary" means the executive secretary of the board.

(bbb) "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.

(ccc) "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.

(ddd) "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.

(eee) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

(fff) "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 nonhuman.

(ggg) "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.

(hhh) "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. 100. On and after January 1, 2017, K.S.A. 2015 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

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

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which such individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official

national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of ~~man~~ human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3) ~~of this subsection~~. It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs ~~prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016,~~ pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species Papaver somniferum l. except its

seeds.

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

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.";

Also on page 11, in line 30, after the first "K.S.A." by inserting "59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338, 74-5361, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and"; also in line 30, after "Supp." by inserting "59-29b46, 59-3077."; in line 31, before "and" by inserting ", 65-2872, 65-2901, 65-2913, 65-4024a, 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508";

Also on page 11, following line 31, by inserting:

"Sec. 102. On and after January 1, 2017, K.S.A. 2015 Supp. 65-1130, 65-1626 and 65-4101 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 4 and inserting:

"AN ACT concerning healthcare providers; relating to powers, duties and functions thereof; licensure requirements; regulation; acupuncturists; certified nurse-midwives; physical therapists; professions regulated by the behavioral science regulatory board; amending K.S.A. 59-29b54, 59-29b61, 65-4016, 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365, 74-5370, 75-6115 and 75-6120 and K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-1130, 65-1431, 65-1626, 65-2809, 65-2872, 65-2901, 65-2913, 65-4024a, 65-4101, 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507, 74-7508 and 75-6102 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337.";

MICHAEL O'DONNELL

ELAINE BOWERS

*Conferees on part of Senate*

DANIEL HAWKINS

WILLIE DOVE

*Conferees on part of House*

Senator O'Donnell moved the Senate adopt the Conference Committee Report on **HB 2615**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I vote "Aye" on the conference committee report on **HB 2615**. A number of good measures make up this conference committee report including establishment of the Acupuncture Practice and the Independent Practice of Midwifery Acts, standardizing regulatory statutes administered by the Behavioral Sciences Regulatory Board, and the opportunity for Kansas to join the Interstate Medical Licensure Compact. However I want to express my concern regarding the addition of language prohibiting nurse-midwives engaged in the independent practice of midwifery from performing or inducing abortions or prescribing drugs for an abortion. These activities are not part of their scope of work, so the addition of that language makes no changes to their practice. But unfortunately adding unnecessary language to our statutes may also add confusion. Once we start listing a specific activity that a particular group of health care providers cannot do, would it be unreasonable to assume that all activities not also identified are allowed? —MARCI FRANCISCO

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2502**.  
The House adopts the Conference Committee report on **SB 248**.

On motion of Senator Bruce, the Senate recessed to the sound of the gavel.

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**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **S Sub HB 2112**.  
The House adopts the Conference Committee report on **H Sub SB 280**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 248** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House committee amendments, as follows:

On page 1, by striking all in line 5 and inserting:

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

(1) "Federally qualified health center" means the same as defined in K.S.A. 2015 Supp. 65-1669, and amendments thereto; and

(2) "hospital" means the same as defined in K.S.A. 65-425, and amendments thereto.

(b) Any expenditures or grants of money by the division of public health of the Kansas department of health and environment for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following priorities:

(1) To public entities, including state, county and local health departments and health clinics; and

(2) if any moneys remain, to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.";

On page 1, in the title, by striking all after "ACT"; by striking all in line 2 and inserting "concerning public health; relating to funding of entities that provide family planning services.";

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

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

Senator Abrams moved the Senate adopt the Conference Committee Report on **SB 248**.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: Women of all income levels deserve the right to have affordable access to family planning. Title X funds help to address this need. **SB 248** eliminates opportunities for people who need it in many parts of the state. I vote "No" on **SB 248**.

—PAT PETTEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 248**.

#### ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **H Sub SB 280**.

#### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 280** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 19, after "amended" by inserting ", shall be exempt from all property or ad valorem taxes levied under the laws of this state"; by striking lines 21 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 10;

On page 9, by striking all in lines 7 through 43;

By striking all on pages 10 through 14;

On page 15, by striking all in lines 1 through 28;

On page 16, in line 27, by striking all following "(A)"; by striking all in lines 28 and 29; in line 30, by striking "de novo";

On page 31, in line 26, before "prior" by inserting "at least 10 business days"; in line 29, by striking "or" and inserting "and"; also in line 29 after "website" by inserting ", if the county maintains a county website,";

On page 41, by striking all in lines 7 through 43;

By striking all on page 42;

On page 43, by striking all in lines 1 through 3; in line 4, by striking "exceeds the statewide average" and inserting "fails to meet the minimum appraisal standards for

commercial real property established by the official Kansas appraisal/sales ratio study conducted for the preceding year by the division of property valuation of the department of revenue"; in line 10, by striking all following "selected"; in line 11, by striking all before the period and inserting "so to represent a sample of the commercial property types which failed to meet statistical compliance in the county"; by striking all in line 26 and inserting "74-2433f, 79-1448, 79-1609 or 79-"; in line 31, by striking all after "shall"; by striking all in lines 32 through 39; in line 40, by striking all before the period and inserting "review and consider such appraisal in the determination of valuation or classification of the taxpayer's property and mail a supplemental notice of final determination. If the final determination is not in favor of the taxpayer then the county appraiser shall notify the taxpayer that the county is required to perform its own, or commission a fee simple single property appraisal. The county appraiser shall then have 90 days to furnish that appraisal along with a new supplemental notice of determination and if not in favor of the taxpayer include an explanation of the reasons the county appraiser did not rely upon the taxpayer's fee simple single property appraisal. Whenever a taxpayer submits a fee simple single property appraisal the burden of proof shall be on the county appraiser to dispute the value of that appraisal. Any taxpayer aggrieved by the final determination of the county appraiser may appeal to the state board of tax appeals as provided in K.S.A. 79-1609, and amendments thereto, within 30 days subsequent to the date of mailing of the supplemental notice of final determination";

On page 44, by striking all in lines 6 through 8 and inserting:

"Sec. 25. K.S.A. 2015 Supp. 12-1927 is hereby amended to read as follows: 12-1927. (a) (1) The recreation commission shall prepare an annual budget for the operation of the recreation system. Prior to the certification of its budget to the city or school district, the recreation commission shall meet for the purpose of answering and hearing objections of taxpayers relating to the proposed budget and for the purpose of considering amendments to such proposed budget. The recreation commission shall give at least 10 days' notice of the time and place of the meeting by publication in a weekly or daily newspaper having a general circulation in the taxing district. Such notice shall include the proposed budget and shall set out all essential items in the budget except such groupings as designated by the director of accounts and reports on a special publication form prescribed by the director of accounts and reports and furnished with the regular budget form. The public hearing required to be held herein shall be held not less than 10 days prior to the date on which the recreation commission is required to certify its budget to the city or school district.

(2) Except as provided in subsection (b), after such hearing the budget shall be adopted or amended and adopted by the recreation commission. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, the recreation commission shall annually, not later than August 1 of any year, certify its budget to such city or school district which shall levy a tax sufficient to raise the amount required by such budget on all the taxable tangible property within the taxing district.

(3) Each year a copy of the budget adopted by the recreation commission shall be filed with the city clerk in the case of a city-established recreation system or with the clerk of the school district in the case of a school district-established recreation system

or with the clerk of the taxing district in the case of a jointly established recreation system. A copy of such budget also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The city or school district shall not be required to levy a tax in excess of the maximum tax levy set by the city or school district by current resolution. In the case of a new recreation commission established under the provisions of this act, such levy shall not be required to exceed one mill. Whenever the recreation commission determines that the tax currently being levied for the commission, as previously established by the city or school district, is insufficient to operate the recreation system and the commission desires to increase the mill levy above the current levy, the commission shall request that the city or school district authorize an increase by adopting a resolution declaring it necessary to increase the annual levy. The city or school district may authorize the increase by resolution, but such increase shall not exceed one mill per year. The maximum annual mill levy for the recreation commission general fund shall not exceed a total of four mills.

(b) Prior to adopting the budget pursuant to subsection (a)(2), the Blue Valley recreation commission appointed by the Blue Valley unified school district no. 229 shall submit its proposed budget to the board of education of the school district. The board either shall approve or modify and approve the proposed budget. The recreation commission shall adopt the budget as approved or modified and approved by the school district board.

(c) Any resolution adopted under subsection (a) shall state the total amount of the tax to be levied for the recreation system and shall be published once each week for two consecutive weeks in the official newspaper of the taxing district. Whereupon, such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by at least 5% of the qualified voters of the taxing district, is filed with the county election officer within 30 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the voters of the taxing district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne by the recreation commission. Such taxes shall be levied and collected in like manner as other taxes, which levy the city or school district shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the ex officio treasurer of the recreation commission.

~~(e)(d)~~ The tax levy provided in this section shall not be considered a levy of such city or school district under any of the statutes of this state, but shall be in addition to all other levies authorized by law and, with respect to any such levy made for the first time in 1989, shall not be subject to the provisions of K.S.A. 79-5021 et seq., and amendments thereto.

~~(d)(c)~~ (1) At any time after the making of the first tax levy pursuant to this act, the

amount of such tax levy may be reduced by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by subsection ~~(b)~~ (c). The authority of any recreation commission in existence on the effective date of this act or any recreation commission established under the provisions of this act to operate and conduct its activities may be revoked in any year following the third year of its operation by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by subsection ~~(b)~~ (c). If the petition submitted is for the purpose of reducing the mill levy, it shall state the mill levy reduction desired. Upon revocation, all property and money belonging to the recreation commission shall become the property of the taxing authority levying the tax for the commission, and the recreation commission shall be dissolved. In the event the authority of a recreation commission is revoked pursuant to this subsection, the taxing authority may continue to levy a tax in the manner prescribed by the petition language for the purpose of paying any outstanding obligations of the recreation commission which exist on the date such authority is revoked. The authority to levy a tax for this purpose shall continue only as long as such outstanding obligations exist.

(2) If the recreation district whose authority is revoked owns any real property at the time of such revocation, title to such real property shall revert to the taxing authority.

~~(e)~~ (f) All financial records of the recreation commission shall be audited as provided in K.S.A. 75-1122, and amendments thereto, and a copy of such annual audit report shall be filed with the governing body of the city or school district, or both, in the case of a jointly established recreation system. A copy of such audit also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The cost of each audit shall be borne by the recreation commission.";

Also on page 44, in line 10, following "Supp." by inserting "12-1927,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "property"; in line 7, by striking "3-114, 12-1688,"; also in line 7, by striking "19-3557,"; in line 8, by striking all before "79-504"; in line 9, by striking the first comma and inserting "and"; also in line 9, by striking ", 80-1520 and 80-1548"; in line 10, by striking ", 12-1928, 12-1936, 27-323";

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

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

*Conferees on part of House*

LES DONOVAN

CARYN TYSON

TOM HOLLAND

*Conferees on part of Senate*

Senator Donovan moved the Senate adopt the Conference Committee Report on **H Sub SB 280**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

On motion of Senator Bruce, the Senate recessed to the sound of the gavel.

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### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 402**.

### ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **H Sub SB 402**.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 402** 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. 402 as follows:

On page 1, by striking all in lines 6 through 36;

By striking all in pages 2 through 7;

On page 8, by striking all in lines 1 through 5; following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 39-702 is hereby amended to read as follows: 39-702. The following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section:

(a) "Secretary" means the secretary for children and families, unless otherwise specified.

(b) "Applicants" means all persons who, as individuals, or in whose behalf requests are made of the secretary for aid or assistance.

(c) "Social welfare service" may include such functions as giving assistance, the prevention of public dependency, and promoting the rehabilitation of dependent persons or those who are approaching public dependency.

(d) "Assistance" includes such items or functions as the giving or providing of money, food assistance, food, clothing, shelter, medicine or other materials, the giving of any service, including instructive or scientific. The definitions of social welfare service and assistance in this section shall be deemed as partially descriptive and not limiting.

(e) "Temporary assistance to needy families" means financial assistance with respect to or on behalf of a dependent child or dependent children and includes financial assistance for any month to meet the needs of the relative or qualifying caretaker with

whom any dependent child is living.

(f) "Medical assistance" means the payment of all or part of the cost of necessary: (1) Medical, remedial, rehabilitative or preventive care and services—~~which that~~ are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act and furnished by health care providers who have a current approved provider agreement with the secretary; and (2) transportation to obtain care and services—~~which that~~ are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act.

(g) "Dependent children" means needy children under the age of 18, or who are under the age of 19 and are full-time students in secondary schools or the equivalent educational program who are in the care of a biological or adoptive parent, court appointed guardian, conservator or legal custodian and who are living with any relative, including first cousins, uncles, aunts, and persons of preceding generations are denoted by prefixes of grand, great, or great-great, and including the spouses or former spouses of any persons named in the above groups, in a place of residence maintained by one or more of such relatives as their own home.

(h) "The blind" means not only those who are totally and permanently devoid of vision, but also those persons whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(i) "Recipient" means a person who has received assistance under the terms of this act.

(j) "Intake office" means the place where the secretary shall maintain an office for receiving applications.

(k) "Adequate consideration" means consideration equal, or reasonably proportioned to the value of that for which it is given.

(l) "Title IV-D" means part D of title IV of the federal social security act, (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.

(m) "TANF diversion assistance" means a one-time voluntary payment option in lieu of ongoing TANF assistance. The diversion payment is available to applicants who have not received TANF assistance as an adult, and is designed to meet a crisis or emergency hardship that would endanger such applicants' ability to remain employed or to accept an offer of employment. Any household that includes such recipient accepting the diversion payment is ineligible to receive on-going TANF assistance for 12 months after receipt of the diversion payment. Any recipient who receives a diversion payment is limited to ~~42~~ 18 months of TANF cash assistance in a lifetime, unless such recipient shall meet a hardship criteria as defined by the secretary.

(n) "Non-cooperation" means the failure of the applicant or recipient to comply with all requirements provided in state and federal law, rules and regulations and agency policy.

Sec. 2. K.S.A. 2015 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife or cohabiting partners are living together, the combined income or resources of both shall be considered in

determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary's discretion.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Temporary assistance for needy families.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as temporary assistance for needy families. ~~On and after January 1, 2017, the department shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department.~~ Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for temporary assistance for needy families in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(1) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for ~~36~~ 24 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allowing receipt of TANF until the ~~48-month~~ 36-month limit is reached. No extension beyond ~~48~~ 36 months shall be granted. Hardship provisions for a recipient include:

- (A) Is a caretaker of a disabled family member living in the household;
- (B) has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
- (C) needs a time limit extension to overcome the effects of domestic

violence/sexual assault;

(D) is involved with prevention and protection services (PPS) and has an open social service plan; or

(E) is determined by the ~~36<sup>th</sup>~~ 24<sup>th</sup> month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through ~~(E)~~ (D). This determination will be made by the executive review team.

(2) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process. During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

(A) The applicant can document an existing certification verifying completion of the work program assessment;

(B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;

(C) the applicant is a parenting teen without a GED or high school diploma;

(D) the applicant is enrolled in job corps;

(E) the applicant is working with a refugee social services agency; or

(F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work

experience sites, on-the-job training, supervised community service, vocational education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment, and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed:

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20; or

(D) ~~by any adult in the TANF assistance plan when at least one adult has reached the 36 months of TANF cash assistance; or~~

~~(E) by any person assigned to a work participation activity for substance use disorders.~~

(6) TANF work experience placements shall be reviewed after 90 days and are limited to six months per ~~48-month~~ 24-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.

(7) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for TANF benefits based on non-cooperation with work programs shall be as follows:

(A) For a first penalty, three months and full cooperation with work program activities;

(B) for a second penalty, six months and full cooperation with work program activities;

(C) for a third penalty, one year and full cooperation with work program activities; and

(D) for a fourth or subsequent penalty, 10 years.

(9) Individuals that have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.

(10) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents' non-cooperation with child support services shall be as follows:

(A) For the first penalty, three months and cooperation with child support services prior to regaining eligibility;

(B) for a second penalty, six months and cooperation with child support services prior to regaining eligibility;

(C) for a third penalty, one year and cooperation with child support services prior to regaining eligibility; and

(D) for a fourth penalty, 10 years.

(11) Individuals that have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(12)(A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(B) Any individual that has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assistance program and the child care subsidy program until the department for children and families determines that such individual is cooperating with the fraud investigation. The department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.

(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if they have been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled

substance analog.

(B) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(14) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. ~~TANF cash assistance transactions for cash withdrawals from automated teller machines shall be limited to \$25, per transaction and to one transaction per day.~~ No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas. ~~The secretary for children and families is authorized to raise or rescind the automated teller machine withdrawal limit established by this section in order to ensure continued appropriation of the TANF block grant through compliance with the provisions of the middle class tax relief and job creation act of 2012 which govern adequate access to cash assistance.~~

(15) (A) The secretary for children and families shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

(D) The Kansas department for children and families shall monitor all recipient

requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient's account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement subsequent to such notice, the department shall refer the investigation to the department's fraud investigation unit.

(16) The secretary for children and families shall adopt rules and regulations:

(A) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) in determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED; ~~or~~

(iv) adults who are participants in a ~~mandatory food assistance—education—~~employment and training program; or

(v) adults who are participants in an early head start child care partnership program and are working or in school or training.

The department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(17) (A) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

(B) Each food assistance household member who is not otherwise exempt from the

following work requirements shall: Register for work; participate in an employment and training program, if assigned to such a program by the department; accept a suitable employment offer; and not voluntarily quit a job of at least 30 hours per week.

(C) Any recipient who has not complied with the work requirements under subparagraph (B) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements:

(i) For a first penalty, three months;

(ii) for a second penalty, six months; and

(iii) for a third penalty and any subsequent penalty, one year.

(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(19) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(21) (A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(c)(1) On and after January 1, 2017, the department for children and families shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department. For TANF cash assistance, food assistance and the child care subsidy program, the department shall verify the identity of all adults in the assistance household.

(2) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of \$5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving TANF cash assistance, food assistance or assistance under the child care subsidy program and take appropriate

action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient's eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.

*(d) Temporary assistance for needy families; assignment of support rights and limited power of attorney.* By applying for or receiving temporary assistance for needy families such 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 such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, 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 applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

*(e) Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned

their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or

other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

~~(e)~~ (f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

~~(f)~~ (g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient 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 payments received by the secretary in on behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and

environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection ~~(d)~~ (e) is: (A) A claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both; and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection ~~(d)~~ (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection ~~(d)~~ (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation

assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

- (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis

since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

~~(g)~~ (h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2015 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as 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 on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

~~(h)~~ (i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

~~(i)~~ (j) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother's eligibility for temporary assistance for needy families the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

~~(j)~~ (k) By applying for or receiving child care benefits or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food assistance, the applicant or recipient 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 applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of temporary assistance for needy families.

~~(k)~~ (l) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed

appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled

substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2015 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2015 Supp. 21-

5701, and amendments thereto.

Sec. 3. K.S.A. 39-719b is hereby amended to read as follows: 39- 719b. (a) If at any time during the continuance of assistance to any person, the recipient thereof becomes possessed of any property or income in excess of the amount ascertained at the time of granting assistance, or if any of the recipient's circumstances which affect eligibility to receive assistance change from the time of determination of eligibility, it shall be the duty of the recipient to notify the secretary immediately of the receipt or possession of such property, income, or of such change in circumstances affecting eligibility and ~~said the~~ secretary may, after investigation, cancel or modify the assistance payment in accordance with the circumstances.

(b) Any assistance paid shall be recoverable by the secretary as a debt due to the state. If during the life or on the death of any person receiving assistance, it is found that the recipient was possessed of income or property in excess of the amount reported or ascertained at the time of granting assistance, and if it be shown that such assistance was obtained by an ineligible recipient, the total amount of the assistance may be recovered by the secretary as a fourth class claim from the estate of the recipient or in an action brought against the recipient while living.

(c) The total amount of any assistance that is sold, transferred or otherwise disposed of to others by a recipient or any other person, or the total amount of any assistance that is knowingly purchased, acquired or possessed by any person, except as authorized in state and federal law, rules and regulations and agency policy of the department for children and families or the department of health and environment is a debt due to the state and the total amount of such assistance that was improperly sold, transferred, disposed, purchased, acquired or possessed shall be recoverable by the secretary for children and families or the secretary of health and environment. Such debt may be recovered during the life or upon the death of any recipient or person who sold, transferred, disposed, purchased, acquired or possessed such assistance and may be recovered as a fourth class claim from the estate of the person or in an action brought against the recipient or person while living.

Sec. 4. K.S.A. 2015 Supp. 39-7,121 is hereby amended to read as follows: 39-7,121. (a) The department of health and environment shall establish and implement an electronic pharmacy claims management system in order to provide for the on-line adjudication of claims and for electronic prospective drug utilization review.

(b) The system shall provide for electronic point-of-sale review of drug therapy using predetermined standards to screen for potential drug therapy problems including incorrect drug dosage, adverse drug-drug interactions, drug-disease contraindications, therapeutic duplication, incorrect duration of drug treatment, drug-allergy interactions and clinical abuse or misuse.

(c) The department of health and environment shall not utilize ~~this the~~ system established under this section, or any other system or program, to require that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive the product or therapy recommended by the recipient's physician.

(1) If such recommended drug usage or drug therapy commenced on or before July 1, 2016; or

(2) for a period of longer than 30 days, if the drug usage or drug therapy is used for the treatment of multiple sclerosis.

(d) (1) If the department of health and environment utilizes the system established

under this section, or any other system or program, to require that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician, the department shall provide access for prescribing physicians to a clear and convenient process to request an override of such requirement. The department shall expeditiously grant such request for an override if:

(A) The required drug usage or drug therapy is contraindicated for the patient or will likely cause an adverse reaction by or physical or mental harm to the patient;

(B) the required drug usage or drug therapy is expected to be ineffective based on the known relevant clinical characteristics of the patient and the known characteristics of the required drug usage or drug therapy;

(C) the patient has tried the required drug usage or drug therapy while under the patient's current or previous health insurance or health benefit plan, and such use was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event. For purposes of this paragraph, use of pharmacy drug samples shall not constitute use and failure of such drug usage or drug therapy; or

(D) the patient has previously been found to be stable on a different drug usage or drug therapy selected by such patient's physician for treatment of the medical condition under consideration.

(2) The department of health and environment, or any managed care organization or other entity administering the system established under this section, or any other similar system or program, shall respond to and render a decision upon a prescribing physician's request for an override as provided in this subsection within 72 hours of receiving such request.

(e) (1) Any proposed department of health and environment policy or rule and regulation related to any use of the system established under this section, or any other system or program, to require that a recipient has utilized or failed with a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician, shall be reviewed and approved by the medicaid drug utilization review board established by K.S.A. 2015 Supp. 39-7,119, and amendments thereto, prior to implementation by the department.

(2) Any proposed policy or rule and regulation related to use of any such system related to any medication used to treat mental illness shall be reviewed and approved by the mental health medication advisory committee established by K.S.A. 2015 Supp. 39-7,121b, and amendments thereto, and the medicaid drug utilization review board established by K.S.A. 2015 Supp. 39-7,119, and amendments thereto, prior to implementation by the department.

(f) The secretary of health and environment shall study and review the use of the program established under this section and prepare a report detailing the exact amount of money saved by using such program that requires that a recipient utilized or failed a drug usage or drug therapy prior to allowing the recipient to receive any product or therapy recommended by the recipient's physician and the percentage and amount of such savings that are returned to the state of Kansas. The secretary shall submit such report to the senate committee on public health and welfare, the senate committee on ways and means, the house committee on appropriations and the house committee on health and human services on or before January 9, 2017 and on or before the first day of the regular session of the legislature each year thereafter.

Sec. 5. K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702, 39-709 and 39-7,121 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 and 3 and inserting "concerning public assistance; relating to cash assistance, food assistance, medical assistance and child care subsidies; eligibility; recovery of assistance debt; verification of identity and income; fraud investigations; work requirements; lifetime benefit limits; removing certain limitations under the electronic claims management system; amending K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702, 39-709 and 39-7,121 and repealing the existing sections.";

DANIEL HAWKINS

WILLIE DOVE

*Conferees on part of House*

MICHAEL O'DONNELL

JIM DENNING

*Conferees on part of Senate*

Senator O'Donnell moved the Senate adopt the Conference Committee Report on **H Sub SB 402**.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kersch, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

The Conference Committee Report was adopted.

### **VETO SUSTAINED**

Vice President King announced the time had arrived for reconsideration of the veto on **SB 338**, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2015 Supp. 12-1750 and 12-1756a and repealing the existing sections;

No motion having been offered to reconsider, Vice President King announced the Governor's veto on **SB 338** was declared sustained.

### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2615**.

The House adopts the Conference Committee report on **H Sub SB 249**.

Announcing adoption of **HCR 5027**.

### **CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 249** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 23; following line 23, by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2016 and shall constitute the omnibus reconciliation spending limit bill for the 2016 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for a refund of supervision fees to the following claimant:

Scott Davis

767 S Drury Lane

Wichita KS 67207.....\$50.00

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Randy Pioletti # 39725

P. O. Box 2

Lansing, KS 66043.....\$233.21

James E. Tackett # 59193

P. O. Box 2

Lansing, KS 66043.....\$30.00

Jose Morales # 71954

P. O. Box 2

Lansing, KS 66043.....\$50.28

Michael D. Wilkins # 108849

P. O. Box 2

Lansing, KS 66043.....\$105.33

(c) The department of corrections is hereby authorized and directed to pay the following amounts from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Charles Denmark Wagner # 93947

P. O. Box 1568

Hutchinson, KS 67504.....\$20.00

Davett Smith II # 784535

P. O. Box 1568

Hutchinson, KS 67504.....	\$199.35
Tyron James # 77522	
P. O. Box 311	
El Dorado, KS 67042.....	\$17.69
Andrew Zeiner # 72623	
P. O. Box 2	
Lansing, KS 66043.....	\$41.56

(d) The department of corrections is hereby authorized and directed to pay the following amounts from the El Dorado correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Vernon J. Amos # 55009	
P. O. Box 311	
El Dorado, KS 67042.....	\$5.17
Raymond D. Boothe # 79444	
P. O. Box 311	
El Dorado, KS 67042.....	\$4.00

(e) The department of corrections is hereby authorized and directed to pay the following amount from the correctional industries fund of the state general fund for incorrect invoicing to the following claimant:

Landers Segal Color Co. Inc. DBA Lansco Colors	
1 Blue Hill Plaza, P. O. Box 1685	
Pearl River, NY 10965.....	\$6,506.21

Sec. 3. The department for aging and disability services is hereby authorized and directed to pay the following amount from the Larned state hospital – operating expenditures account of the state general fund for property lost to the following claimant:

Donald W. Rhyne	
2601 Gabriel Avenue	
Parsons, KS 67357.....	\$636.23

Sec. 4. The adjutant general is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for a settlement agreement to the following claimant:

Michaela Isch	
219 Park St.	
Winfield, KS 67156.....	\$4,000.00

Sec. 5. There is hereby appropriated from the state general fund, as reimbursements for legal costs incurred for sexually violent predator proceedings, the following amounts to the following claimants:

County Treasurer	
McPherson County	
117 N Maple	
McPherson, KS 67460.....	\$37,400.79
County Treasurer	
Butler County	
205 W Central	
El Dorado, KS 67042.....	\$24,017.43

Sec. 6. The department of revenue is hereby authorized and directed to pay the

following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

Bell, Kenneth 1979 N 300 Rd. Wellsville, KS 66092.....	\$51.00
Canaan Well Service Inc. 1401 N Park Wellington, KS 67152.....	\$758.39
Dustrol Inc. P.O. Box 309 Towanda, KS 67144.....	\$138.02
Garten Bros Inc. 2305 Fair Rd. Abilene, KS 67410.....	\$280.80
Golf Club of Kansas P.O. Box 6984 Lees Summit, MO 64064.....	\$702.22
Hasenkamp, Dan 375 F Road Centralia, KS 66415.....	\$481.68
Horgan, Timothy P. 15700 Trowbridge Rd. Wheaton, KS 66521.....	\$37.08
Katy Parsons Golf Club P.O. Box 376 Parsons, KS 67357.....	\$33.00
Moxley, Tom J. 1852 S 200 Rd. Council Grove, KS 66846.....	\$162.00
Pennys Concrete Inc. 23400 W 82nd St. Shawnee Mission, KS 66227.....	\$6,073.70
Red Bee Ranch 953 S Greenwich Rd. Wichita, KS 67207.....	\$104.28
Strobel, John R. 31464 N Hwy. 59 Garnett, KS 66032.....	\$366.34
USD 282 Howard P.O. Box 607 Howard, KS 67349.....	\$4,188.94
USD 247 Cherokee 506 S Smelter Cherokee, KS 40652.....	\$9,177.71
Vestring, Louis 9872 NE Stony Creek Rd.	

Cassoday, KS 66842.....	\$282.96
White, John T. P.O. Box 114 Allen, KS 66833.....	\$105.72

Sec. 7. (a) Except as otherwise provided in sections 2 through 6 of this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in sections 2 through 6 of this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 6 of this act, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided in sections 2 through 6 of this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 8.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2016, the director of accounts and reports shall transfer all moneys in the veterinary examiners fee fund of the Kansas department of agriculture to the veterinary examiners fee fund of the state board of veterinary examiners. On July 1, 2016, all liabilities of the veterinary examiners fee fund of the Kansas department of agriculture are hereby transferred to and imposed on the veterinary examiners fee fund of the state board of veterinary examiners and the veterinary examiners fee fund of the Kansas department of agriculture is hereby abolished.

Sec. 9.

LEGISLATIVE COORDINATING COUNCIL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2017, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2017 for the director of legislative administrative services, under the direction of the legislative coordinating council, to administer and supervise the live audio streaming of legislative proceedings: *Provided*, That in providing such live audio streaming, the director shall work in cooperation with the information network of Kansas, inc., created by K.S.A. 74-9303, and amendments thereto, which shall provide any services and equipment that the director and the board of the information network of Kansas, inc., have agreed upon and that the director determines to be necessary for the provision of such live audio streaming.

Sec. 10.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Publication of proposed constitutional amendments.....	\$29,833
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Sec. 11.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2016, by section 80(c) of chapter 104 of the 2015 Session Laws of Kansas, on the Docking state office building rehab, repair and razing fund of the department of administration is hereby decreased from no limit to \$0.

(b) On the effective date of this act, the provisions of section 80(d) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 12.

#### DEPARTMENT OF ADMINISTRATION

(a) On or before June 30, 2017, the secretary of administration: (1) Shall determine the amount of moneys appropriated in each account of the state general fund or each special revenue fund or funds appropriated for fiscal year 2017 for the executive branch agencies that are not required to be expended or encumbered due to the department of administration implementing procurement and risk management recommendations, modifying any state employee insurance and benefit program, or implementing any other efficiency recommendation made to the 2016 legislature by the Kansas statewide efficiency review; and (2) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2017, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and upon receipt of each such certification, the amount so certified is hereby lapsed: *Provided further*, That, on or before June 30, 2017, the director of the budget shall certify each amount appropriated from each special revenue fund or funds, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and upon receipt of each such certification, the amount so certified is hereby transferred to the state general fund: *And provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund and amounts transferred from special revenue funds pursuant to this subsection, shall be equal to \$6,500,000 or more.

(b) During the fiscal year ending June 30, 2017, the director of the budget may transfer any part of any item of appropriation due to the department of administration implementing procurement and risk management recommendations; modifying any state employee insurance and benefit program; or implementing any other efficiency recommendation made to the 2016 legislature by the Kansas statewide efficiency review in any executive branch agency account of the state general fund or any special revenue fund or funds appropriated for fiscal year 2017 for such executive branch agency to another item of appropriation for the same purposes in any other executive branch agency account of the state general fund or any special revenue fund or funds appropriated for fiscal year 2017 for such other executive branch agency. The director of the budget shall certify each such amount transferred and shall transmit a copy of each such certification to the director of legislative research.

(c) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 81(c) of chapter 104 of the 2015 Session Laws of Kansas, on the Docking state office building rehab, repair and razing fund of the department of

administration is hereby decreased from no limit to \$0.

(d) On July 1, 2016, the provisions of section 81(d) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(e) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products which may be purchased by such employees: *Provided, however;* That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided,* That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further;* That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

Sec. 13.

#### DEPARTMENT OF ADMINISTRATION

(a) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2018 by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016, 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products which may be purchased by such employees: *Provided, however;* That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided,* That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further;* That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions

for making payroll deductions pursuant to this section.

Sec. 14.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

MSA compliance compact.....\$450,000

(b) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, pursuant to section 34(c) of 2016 House Substitute for Senate Bill No. 161 on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby increased from \$47,475,191 to \$48,165,032.

(c) On July 1, 2016, the amount of \$11,481,784 authorized by section 89(c) of chapter 104 of the 2015 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue on July 1, 2016, October 1, 2016, January 1, 2017, and April 1, 2017, is hereby increased to \$11,513,742.

Sec. 15.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 90(b) of chapter 104 of the 2015 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2016, is hereby increased from \$74,700,000 to \$76,500,000.

Sec. 16.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

KBA grant commitments.....\$6,570,000

*Provided*, That, if 2016 Senate Bill No. 474, or any other legislation which allows the board of the Kansas bioscience authority to sell the authority or substantially all of the assets of the authority, is not passed by the legislature during the 2016 regular session and enacted into law, or if such legislation is enacted into law but such sale is not completed, then the \$6,570,000 appropriated for the above agency for the fiscal year ending June 30, 2017, by this section from the state general fund in the KBA grant commitments account is hereby lapsed.

Sec. 17.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$661,573,849 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 104(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$23,700,000 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2016, by section 43(e) of 2016 House Substitute for Senate Bill No. 161 on the medical programs fee fund (264-00-2395-0110) of the department of health and environment– division of health care finance is hereby increased from \$91,292,513 to \$127,692,349.

Sec. 18.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On July 1, 2016, of the \$676,570,074 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 105(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$24,178,549 is hereby lapsed.

(b) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 44(c) of 2016 House Substitute for Senate Bill No. 161 on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby increased from \$86,370,660 to \$130,241,472.

Sec. 19.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

LTC – medicaid assistance – NF (039-00-1000-0520).....	\$20,054,000
Mental health and retardation services aid and assistance (039-00-1000-4001).....	\$3,500,000
Osawatomie state hospital-operating expenditures (494-00-1000-0100)....	\$9,503,982
Larned state hospital-operating expenditures (410-00-1000-0103).....	\$1,896,018

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2016, by section 47(g) of 2016 House Substitute for Senate Bill No. 161 on the Osawatomie state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby decreased from \$10,076,414 to \$7,667,778.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2016, by section 47(k) of 2016 House Substitute for Senate Bill No. 161 on the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services is hereby decreased from \$45,963,785 to \$40,570,915.

Sec. 20.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

State operations (039-00-1000-0801).....	\$3,855,852
LTC – Medicaid assistance – NF (039-00-1000-0520).....	\$23,859,549
Osawatomie state hospital-operating expenditures (494-00-1000-0100)....	\$1,289,537
Larned state hospital-operating expenditures (410-00-1000-0103).....	\$450,000

(b) In addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2017, by section 109 of chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2017, to take the necessary steps to reinstate a policy to require mental health screenings for recipients under the Kansas program of medical assistance, prior

to inpatient placement: *Provided*, That the above agency shall consult with the Kansas department of health and environment regarding the implementation of such policy.

(c) (1) Notwithstanding the provisions of K.S.A. 76-12a02, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2017, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2017, for the secretary for aging and disability services to appoint the superintendent at any institution: *Provided*, That any superintendent appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(2) Notwithstanding the provisions of K.S.A. 76-12a03, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2017, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2017, for the secretary for aging and disability services or an institution's director, or such director's authorized designee, to appoint physicians at an institution: *Provided*, That any physician appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(3) Notwithstanding the provisions of K.S.A. 76-12a04, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2017, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2017, for the secretary for aging and disability services or an institution's director, or such director's authorized designee, to appoint staff and other institution or commission personnel who are not assigned to a particular institution: *Provided*, That any staff or institution or commission personnel appointed on or after July 1, 2016, and on or before June 30, 2018, shall be in the unclassified service of the Kansas civil service act: *Provided, however*, That this paragraph shall not affect the classification of service under the Kansas civil service act for any staff or other personnel appointed prior to July 1, 2016: *And provided further*, That any staff or institution or commission personnel appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(4) Notwithstanding the provisions of K.S.A. 76-12a05, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2017, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state

general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2017, for the superintendent of any institution to appoint employees at such institution: *Provided*, That any employee appointed on or after July 1, 2016, and on or before June 30, 2018, shall be in the unclassified service of the Kansas civil service act: *Provided, however*; That this paragraph shall not affect the classification of service under the Kansas civil service act for any employee appointed prior to July 1, 2016: *And provided further*; That any employee appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(5) For purposes of this subsection, "institution" means Osawatomi state hospital, Larned state hospital, Parsons state hospital and training center or Kansas neurological institute.

(6) (A) Notwithstanding any other provision of law, during the fiscal year ending June 30, 2017, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016 or 2017 regular session of the legislature to outsource or privatize any operations or facilities of the Larned state hospital or Osawatomi state hospital without prior specific authorization by an act of the legislature or an appropriation act of the legislature.

(B) Nothing in this paragraph shall prevent any state agency from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomi state hospital during the fiscal year ending June 30, 2017.

(C) Nothing in this paragraph shall prevent any state agency from entering into an agreement for services at the Larned state hospital or the Osawatomi state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016, during the fiscal year ending June 30, 2017.

Sec. 21.

#### KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) (1) Notwithstanding the provisions of K.S.A. 76-12a02, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2018, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016, 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2018, for the secretary for aging and disability services to appoint the superintendent at any institution: *Provided*, That any superintendent appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(2) Notwithstanding the provisions of K.S.A. 76-12a03, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2018, by chapter 104 of the 2015 Session

Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016, 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2018, for the secretary for aging and disability services or an institution's director, or such director's authorized designee, to appoint physicians at an institution: *Provided*, That any physician appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(3) Notwithstanding the provisions of K.S.A. 76-12a04, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2018, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016, 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2018, for the secretary for aging and disability services or an institution's director, or such director's authorized designee, to appoint staff and other institution or commission personnel who are not assigned to a particular institution: *Provided*, That any staff or institution or commission personnel appointed on or after July 1, 2016, and on or before June 30, 2018, shall be in the unclassified service of the Kansas civil service act: *Provided, however*; That this paragraph shall not affect the classification of service under the Kansas civil service act for any staff or other personnel appointed prior to July 1, 2016: *And provided further*; That any staff or institution or commission personnel appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(4) Notwithstanding the provisions of K.S.A. 76-12a05, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 2018, by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016, 2017 or 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year ending June 30, 2018, for the superintendent of any institution to appoint employees at such institution: *Provided*, That any employee appointed on or after July 1, 2016, and on or before June 30, 2018, shall be in the unclassified service of the Kansas civil service act: *Provided, however*; That this paragraph shall not affect the classification of service under the Kansas civil service act for any employee appointed prior to July 1, 2016: *And provided further*; That any employee appointed by a person, entity or organization under contract with the secretary shall not receive a classification of service under the Kansas civil service act.

(5) For purposes of this subsection, "institution" means Osawatomie state hospital, Larned state hospital, Parsons state hospital and training center or Kansas neurological institute.

(6) (A) Notwithstanding any other provision of law, during the fiscal year ending June 30, 2018, the above agency shall not expend any moneys appropriated for the

fiscal year ending June 30, 2018, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or any other appropriation act of the 2016, 2017 or 2018 regular session of the legislature to enter into any agreement or take any action to outsource or privatize any operations or facilities of the Larned state hospital or Osawatomie state hospital without prior specific authorization by an act of the legislature or an appropriation act of the legislature.

(B) Nothing in this paragraph shall prevent any state agency from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomie state hospital during the fiscal year ending June 30, 2018.

(C) Nothing in this paragraph shall prevent any state agency from entering into an agreement for services at the Larned state hospital or the Osawatomie state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016, during the fiscal year ending June 30, 2018.

Sec. 22.

#### KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$119,261,255 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 110(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$4,620,000 is hereby lapsed.

Sec. 23.

#### KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

State operations (including official hospitality) (629-00-1000-0013).....\$902,000

(b) On July 1, 2016, of the \$117,440,880 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 111(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$1,534,000 is hereby lapsed.

(c) On July 1, 2016, during the fiscal year ending June 30, 2017, in addition to any limitations established in section 50(e) of 2016 House Substitute for Senate Bill No. 161 on the temporary assistance to needy families federal fund of the above agency, any such programs, projects, improvements or services directly or indirectly beneficial to the physical and mental health, welfare, safety and overall well-being of children in Kansas pursuant to K.S.A. 38-2102 and 38-2103, and amendments thereto, shall be for those families that meet at least one risk criteria that qualifies under the purposes of the federal guidelines for temporary assistance to needy families program: *Provided*, That on July 1, 2016, the provisions of section 50(e)(1) of 2016 House Substitute for Senate Bill No. 161 are hereby declared to be null and void and shall have no force and effect.

Sec. 24.

#### DEPARTMENT OF EDUCATION

(a) If, during the fiscal year ending June 30, 2016, any item of appropriation for employer contributions for the state of Kansas and employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and

amendments thereto, has been lapsed or transferred pursuant to the provisions of section 98(a)(1) of 2016 House Substitute for Senate Bill No. 161, then, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2016 by chapter 4 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2016, to calculate the cost-of-living weighting pursuant to the provisions of K.S.A. 2015 Supp. 72-6475, and amendments thereto, for fiscal year 2016 as if such item of appropriation had not been lapsed or transferred.

Sec. 25.

#### KANSAS STATE UNIVERSITY

(a) On July 1, 2016, the Salina, college of technology account of the state general fund of Kansas state university is hereby redesignated as the Kansas state university polytechnic campus account of the state general fund of Kansas state university.

Sec. 26.

#### WICHITA STATE UNIVERSITY

(a) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 authorized by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 regular session of the legislature, expenditures shall be made by Wichita state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or for fiscal year 2017 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct parking garage 1: *Provided*, That such capital improvement project is hereby approved for Wichita state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Wichita state university may make expenditures from the money received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$7,200,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That Wichita state university shall make provisions for the maintenance of parking garage 1.

Sec. 27.

#### DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$20,124,000 appropriated for the above agency for the fiscal year ending June 30, 2016, by section 144(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the purchase of services account (521-00-1000-0300), the sum of \$3,154,000 is hereby lapsed.

Sec. 28.

DEPARTMENT OF CORRECTIONS

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Purchase of services.....\$319,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas juvenile justice improvement fund.....No limit

Juvenile alternatives to detention fund.....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: *Provided, however*; That expenditures from the juvenile alternatives to detention fund for per diem payments to detention centers shall not exceed \$2,258,988.

Sec. 29.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Fire management assistance grant – federal fund.....No limit

Sec. 30.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Fire management assistance grant – federal fund.....No limit

Sec. 31.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas highway patrol staffing and training fund.....No limit

Sec. 32.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2016, by section 154(a) of chapter 104 of the 2015 Session Laws of Kansas for the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,322,955 to \$1,362,955.

Sec. 33.

EMERGENCY MEDICAL SERVICES BOARD

(a) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 155(a) of chapter 104 of the 2015 Session Laws of Kansas for the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,349,331 to \$1,379,331.

Sec. 34.

DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas conservation reserve enhancement program fund.....No limit

(b) Any unencumbered balance in excess of \$100 as of June 30, 2016, in the conservation reserve enhancement program account of the state water plan fund is hereby reappropriated for the above agency for fiscal year 2017: *Provided*, That during fiscal year 2017, moneys in this account shall be expended only for the purposes for which expenditures may be made from the Kansas conservation reserve enhancement program fund of the department of agriculture pursuant to the provisions of 2016 Senate Bill No. 330.

Sec. 35.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) Notwithstanding the provisions of the provisos in section 167(a) of chapter 104 of the 2015 Session Laws of Kansas on the reimbursement for annual licenses issued to national guard members account, reimbursement for annual park permits issued to national guard members account or reimbursement for annual licenses issued to Kansas disabled veterans account of the state economic development initiatives fund for the Kansas department of wildlife, parks and tourism, during the fiscal year ending June 30, 2017, the secretary of wildlife, parks and tourism, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2017, from the reimbursement for annual licenses issued to national guard members account, reimbursement for annual park permits issued to national guard members account or reimbursement for annual licenses issued to Kansas disabled veterans account of the state economic development initiatives fund for the Kansas department of wildlife, parks and tourism to another item of appropriation for fiscal year 2017 in the reimbursement for annual licenses issued to national guard members account, reimbursement for annual park permits issued to national guard members account or reimbursement for annual licenses issued to Kansas disabled veterans account of the state economic development initiatives fund for the Kansas department of wildlife, parks and tourism. The secretary of wildlife, parks and tourism shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 36.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 169(b) of chapter 104 of the 2015 Session Laws of Kansas for the agency operations account of the state highway fund of the department of

transportation is hereby increased from \$256,601,308 to \$256,690,608.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 for such state agency as authorized by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 for the purposes of directing the director of unmanned aircraft systems (UAS) to focus on research and development efforts through and between state educational institutions, as defined in K.S.A. 76-711, and amendments thereto: *Provided*, That the director shall work with state educational institutions on the development and growth of new and existing UAS research and development programs: *Provided further*, That the director shall work with the state educational institutions on the creation of partnerships with the UAS industry to develop and sustain public-private partnerships focused on UAS research and development in Kansas: *And provided further*, That the director shall work in conjunction with the department of commerce to develop economic development initiatives related to the UAS program and the work of the state educational institutions: *And provided further*, That the director shall work with local governments and economic development groups, in conjunction with the state educational institutions, in the communities of the state educational institutions on local economic growth initiatives centered on the UAS industry: *And provided further*, That the director shall work with Kansas local governments to promote the benefits of a robust Kansas UAS industry to the general public and work to ensure any locally developed UAS policies or ordinances are consistent with state and federal regulation: *And provided further*, That the director shall work to position the state educational institutions as national leaders for UAS research and development and the state of Kansas as a national leader within the UAS industry: *And provided further*, That the director shall develop relationships with national leaders within the UAS industry and national intergovernmental, transportation and UAS organizations to better position the state of Kansas and the state educational institutions as national leaders with the UAS industry: *And provided further*, That the director shall work, in conjunction with the state educational institutions, to seek out and apply for grants to advance UAS research and development programs: *And provided further*, That the director shall study the use of UAS for purposes of inspection and surveillance methods in conjunction with the UAS programs of the department of transportation, the Kansas national guard, the Kansas highway patrol, the Kansas bureau of investigation and state educational institutions in the UAS triangle: *And provided further*, That the director shall report to legislature on areas where cooperation in training and usage of UAS for inspection and surveillance methods is occurring or may occur in the future: *And provided further*, That the director shall use office space made available by Kansas state university polytechnic campus for at least half of the director's office time: *And provided further*, That the director shall make recommendations regarding state laws and rules and regulations which are complimentary to federal UAS regulatory and policy efforts and balance privacy concerns with the need for robust UAS economic development in the state of Kansas: *And provided further*, That the director shall develop a five-year strategic plan regarding research and development efforts through and between the state educational

institutions and provide a report to the legislature on the implementation of this plan on or before the first day of the 2017 regular legislative session.

Sec. 37. (a) If any state agency is certified to administer a program or service funded by the CIF grants account of the children's initiatives fund previously administered by a different state agency pursuant to section 50(f) of 2016 House Substitute for Senate Bill No. 161, the director of the budget shall direct the director of accounts and reports to create any new required special revenue fund or funds in the newly appointed administering authority and transfer all associated appropriations and expenditure authority.

(b) In addition to the other purposes for which expenditures may be made by the Kansas children's cabinet from the children's cabinet administration account of the Kansas endowment for youth fund for fiscal year 2017 by section 111(d) of chapter 104 of the 2015 Session Laws of Kansas, section 50 of 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the Kansas children's cabinet from the children's cabinet administration account for fiscal year 2017 to determine which state agency shall be the administrative authority for the Kansas children's cabinet: *Provided*, That if the Kansas children's cabinet determines that the administrative authority for the Kansas children's cabinet is different than the administrative authority in fiscal year 2016, the Kansas children's cabinet shall certify such change to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of the budget shall direct the director of accounts and reports to create: (1) Any new, required special revenue fund or funds in the newly appointed administrative authority and transfer all associated appropriations and expenditure authority; and (2) any new, required account of the Kansas endowment for youth fund in the newly appointed administrative authority and transfer all associated appropriations and reappropriations.

(c) If the Kansas department for children and families authorizes an expenditure of moneys from the temporary assistance for needy families federal fund in fiscal year 2017 for programs, projects, improvements, services and other purposes administered by another agency pursuant to section 50(e) of 2016 House Substitute for Senate Bill No. 161, the director of the budget shall direct the director of accounts and reports to create a temporary assistance for needy families federal fund with no limit expenditure authority in the agency designated to receive temporary assistance for needy families funding.

Sec. 38. (a) On the effective date of this act, during fiscal year 2016, the expenditure limitations on the accounts in the children's initiatives fund, the state economic development initiatives fund and the state water plan fund shall be decreased by the amount of moneys transferred to the state general fund pursuant to the certifications of section 80(s) of chapter 104 of the 2015 Session Laws of Kansas concerning information technology projects.

(b) On July 1, 2016, during fiscal year 2017, the expenditure limitations on the accounts in the children's initiatives fund, the state economic development initiatives fund and the state water plan fund shall be decreased by the amount of moneys transferred to the state general fund pursuant to the certifications of section 81(s) of chapter 104 of the 2015 Session Laws of Kansas concerning information technology projects.

(c) On July 1, 2016, during fiscal year 2017, the term "information technology projects" referred to in sections 81(s) and 170(c) of chapter 104 of the 2015 Session Laws of Kansas and section 95(b) of 2016 House Substitute for Senate Bill No. 161, shall include information technology-related expenditures including: (1) Services, labor (full-time, part-time or contract), contract payments, purchases related to planning, designing, developing, testing, implementing, training, operating, supporting, securing and maintaining any of the data, applications and/or technologies listed in this subsection; (2) all data under the custodianship of the executive branch; (3) all computer applications under the custodianship of the executive branch; and (4) all technology, digital information involving any form of computer storage, including, but not limited to, mainframes, servers, networks and network-related items, including switches, routers, cables, fiber, telecommunications and personal computer's, laptops, tablet computers, mobile phones, digital storage in any form or format, printers and fax machines, and cloud computing.

Sec. 39. (a) During the fiscal ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the chief executive officer of the state board of regents, from moneys appropriated from the state general fund or any special revenue fund or funds for the state board of regents for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the chief executive officer of the state board of regents from the state general fund or from any special revenue fund or funds for fiscal year 2017, for and on behalf of Kansas state university to sell and convey all of the rights, title and interest in the following described tracts of real estate, improvements thereon and easements, all located in Riley county, Kansas, subject to the provisions of this section:

A tract of land in the West Half of Section 1, Township 11 South, Range 07 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

Beginning at a point that is S 01°44'12" E 2518.00 feet from the Northwest Corner of the West Half of said Section 1, said point being the Northwest Corner of the Raleigh L. Eggers and Miriam Glee Eggers tract recorded in Book 693 pages 297-300 in the Riley County Registrar of Deeds Office: hence N 01°44'12" W 10.25 along the West Line of the Northwest Quarter of said Section 1: hence S 89°55'25" E 324.06 feet to a point on the North of the said Eggers tract: hence S 88°15'48" W 323.90 feet to the point of beginning, containing 1660 square feet. Subject to easements and restrictions of record.

(b) Conveyance of such rights, title and interest in such real estate, improvements thereon and easements, shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and chief executive officer. All proceeds from the sale of such real estate, improvements thereon and easements shall be deposited in the state treasury to the credit of the gifts account of the restricted fees fund of Kansas state university – extension systems and agriculture research programs.

(c) No conveyance of real estate, improvements thereon and easements authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general.

Sec. 40. (a) On the effective date of this act, the provisions of section 179 of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void

and shall have no force and effect.

Sec. 41. (a) During fiscal year 2016 and fiscal year 2017, notwithstanding any other provision of law, no state agency shall expend any moneys appropriated for fiscal year 2016 or fiscal year 2017 from the state general fund or from any special revenue fund or funds by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature to integrate, consolidate or otherwise alter the structure of the following home and community based waiver services under the Kansas program of medical assistance, or to submit to the centers for medicare and medicaid services any proposal to integrate, consolidate or alter such waiver services, if such integration, consolidation or alteration is designed or intended to be implemented before fiscal year 2019: Medical services; behavioral health services; transportation; nursing facilities; other long-term care; autism; frail elderly; technology assistance; physical disability; traumatic brain injury; intellectual/developmental disability; or serious emotional disturbance: *Provided*, That the department for health and environment and the Kansas department for aging and disability services shall prepare and submit reports to the house committee on appropriations, the senate committee on ways and means and the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight on or before January 1, 2017, and March 1, 2017, describing the status of any plan to integrate, consolidate or structurally alter such waiver services, including any proposed waiver applications or amendments, any service definitions and the proposed rate structure for each such service.

Sec. 42. (a) In addition to the other purposes for which expenditures may be made by any executive branch state agency during fiscal year 2017, if expenditures are made by such state agency for a parent education grant program, then expenditures shall be made by such state agency from moneys appropriated for fiscal year 2017 by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature to require that such program expenditures shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

Sec. 43. (a) In addition to the exceptions established in section 98(c) of 2016 House Substitute for Senate Bill No. 161, during fiscal year 2016, the provisions of section 98(a)(1) of 2016 House Substitute for Senate Bill No. 161 and during fiscal year 2017, the provisions of section 98(a)(2) of 2016 House Substitute for Senate Bill No. 161 shall not apply to any item of appropriation which provides funding for any state agency for domestic violence prevention grants.

Sec. 44. During the fiscal year ending June 30, 2017, the provisions of section 99 of 2016 House Substitute for Senate Bill No. 161 establishing expenditure limitations for any special revenue fund for fiscal year 2017 shall not apply to the Johnson county education research triangle fund (682-00-2393-2390) of the university of Kansas.

Sec. 45. (a) In addition to the exceptions established in section 98(c) of 2016 House Substitute for Senate Bill No. 161, during fiscal year 2016, the provisions of section 98(a)(1) of 2016 House Substitute for Senate Bill No. 161 and during fiscal year 2017, the provisions of section 98(a)(2) of 2016 House Substitute for Senate Bill No. 161 shall not apply to any item of appropriation which provides funding to any state agency for school districts educating students in kindergarten or any of the grades one through 12.

Sec. 46. During fiscal year 2016 and fiscal year 2017, if any state agency submits a request for proposal for an entity to provide services and management at Larned state hospital or Osawatomie state hospital, such request for proposal shall include a requirement for an electronic medical record solution for records at Larned state hospital or Osawatomie state hospital: *Provided*, That any such electronic medical record solution shall: (a) Implement ongoing support of electronic health records developed on a fully integrated architecture that includes pharmacy and the revenue cycle; (b) provide a clinical, operational and financial system that meets federal regulatory standards, including standards for reimbursement; and (c) enable the exchange of health information with outside electronic medical record systems, public health organizations, clinicians, administrative staff and provider organizations and enable physicians to view health data within the physician's workflow from other providers across care delivery venues: *Provided further*, That any such electronic medical record solution may be hosted at a location remote from Larned state hospital or Osawatomie state hospital but shall not host patient data offshore: *Provided, however*, That the selection of any entity to provide such services and management at Larned state hospital or Osawatomie state hospital shall be approved in an act of the legislature or an appropriation act of the legislature pursuant to the provisions of section 100 of 2016 House Substitute for Senate Bill No. 161.

Sec. 47. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to demolish the Docking state office building or to reconstruct, relocate, or renovate the power plant or energy center without prior specific authorization by an act of the legislature or an appropriation act of the legislature: *Provided*, That no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2016 or fiscal year 2017 as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other appropriation act of the 2016 or 2017 regular session of the legislature by any state agency to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated without prior specific authorization in an act of the legislature or an appropriation act of the legislature.

Sec. 48. During the fiscal year ending June 30, 2017, notwithstanding the provisions of Section 98(a) of 2016 House Substitute for Senate Bill No. 161, if the director of the budget uses the allotment authority granted under Section 98(a) of 2016 House Substitute for Senate Bill No. 161, which applies to any state educational institution, as defined in K.S.A. 76-711, and amendments thereto, such allotment shall be calculated as a uniform percentage amount from the total of all operating budget accounts of the state general fund and any special revenue fund or funds of each state educational institution.

Sec. 49. (a) In addition to the other purposes for which expenditures may be made by state agencies from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year as authorized by chapter 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this or other

appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by state agencies from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 for the purpose of identifying all surplus real estate of state agencies and seeking to market such surplus real estate in order to receive the best price for the state, as soon as practicable. All surplus real estate to be sold pursuant to this section shall be identified and approved for sale by the secretary of administration by November 1, 2016.

(b) Any sale of surplus real estate pursuant to this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto. The secretary of administration or the secretary's designee shall approve any sale price of any surplus real estate before such property is offered for sale.

(c) (1) Notwithstanding the provisions of K.S.A. 75-6609(f), and amendments thereto, any proceeds from the sale of such surplus real estate, after deduction of the expenses of such sale, shall be deposited in the state treasury as prescribed by this subsection. All proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by restrictions of the state's title to the real estate being sold.

(2) The amount of expenses and the costs for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(d) The provisions of this section shall expire on June 30, 2017.

Sec. 50. (a) During the fiscal year ending June 30, 2016, if the director of the budget lapses or transfers any amount pursuant to section 98(a)(1) of 2016 House Substitute for Senate Bill No. 161 from the state general fund or from the expanded lottery act revenues fund that would be attributable to employer contributions for any state agency, pursuant to K.S.A. 2015 Supp. 74-4920, as amended by 2016 House Substitute for Senate Bill No. 161, the director of the budget shall certify such amount or amounts. Such amount or amounts shall be repaid with an interest rate of 8% per annum to the Kansas public employees retirement fund from the state general fund, in the manner prescribed in this section.

(b) On June 30, 2017, the director of the budget and the director of legislative research shall certify the amount which the actual tax receipt revenues to the state general fund exceed the April, 2017, joint estimate of revenue pursuant to K.S.A. 75-6701, and amendments thereto. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the Kansas public employees retirement fund to repay the amount lapsed or transferred pursuant to subsection (a), including any interest payments.

(c) If any amounts remain to be repaid from the amount lapsed or transferred pursuant to subsection (a), including any interest payments, on June 30, 2017, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, or any

other statute, the director of the budget and the director of legislative research shall certify the amount moneys received by the state pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas, or pursuant to any judgment rendered, regarding the litigation against tobacco industry companies and related entities which are in excess of all expenditures or transfers that have been made from the Kansas endowment for youth fund, as provided by law in the fiscal year ending June 30, 2017. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the Kansas public employees retirement fund to repay the amount lapsed or transferred pursuant to subsection (a), including any interest payments.

(d) If any amounts remain to be repaid from the amount lapsed or transferred pursuant to subsection (a), including any interest payments, on June 30, 2018, the director of the budget and the director of legislative research shall certify the amount which the actual tax receipt revenues to the state general fund exceed the April, 2018, joint estimate of revenue pursuant to K.S.A. 75-6701, and amendments thereto. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the Kansas public employees retirement fund to repay the amount lapsed or transferred pursuant to subsection (a), including any interest payments.

(e) If any amounts remain to be repaid from the amount lapsed or transferred pursuant to subsection (a), including any interest payments, on June 30, 2018, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, or any other statute, the director of the budget and the director of legislative research shall certify the amount moneys received by the state pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas, or pursuant to any judgment rendered, regarding the litigation against tobacco industry companies and related entities which are in excess of all expenditures or transfers that have been made from the Kansas endowment for youth fund, as provided by law in the fiscal year ending June 30, 2018. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the Kansas endowment for youth fund to the Kansas public employees retirement fund to repay the amount lapsed or transferred pursuant to subsection (a), including any interest payments.

(f) If any amounts remain to be repaid from the amount lapsed or transferred pursuant to subsection (a), including any interest payments, on June 30, 2018, after the transfers pursuant to subsections (b) through (e) have been made from the state general fund to the Kansas public employees retirement fund, the director of the budget and the director of legislative research shall certify the remaining amount to be repaid from the amount lapsed or transferred pursuant to subsection (a), including any interest payments. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the Kansas public employees retirement fund.

Sec. 51. K.S.A. 2015 Supp. 74-4914d, as amended by section 106 of House Substitute for Senate Bill No. 161, is hereby amended to read as follows: 74-4914d. (1) Any additional cost resulting from the normal retirement date and retirement before such normal retirement date for security officers as provided in K.S.A. 74-4914c, and amendments thereto, and disability benefits as provided in K.S.A. 74-4914e, and

amendments thereto, shall be added to the employer rate of contribution for the department of corrections as otherwise determined under K.S.A. 74-4920, and amendments thereto, except that the employer rate of contribution for the department of corrections including any such additional cost added to such employer rate of contribution pursuant to this section shall in no event exceed the employer rate of contribution for the department of corrections for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which security officers contribute during the period: (a) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, ~~except as provided by K.S.A. 74-4920(17), and amendments thereto;~~ (e) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, ~~except as provided by K.S.A. 74-4920(18), and amendments thereto;~~ and (f) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year, to be calculated as if no certification is made reducing or increasing the rate of employer contribution as provided in K.S.A. 74-4920(17) or (18), and amendments thereto without regard to transfers made pursuant to section 50 of this act. As used in this section, "capitalized interest" means interest payments on the bonds that are prefunded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

Sec. 52. K.S.A. 2015 Supp. 74-4920, as amended by section 107 of House Substitute for Senate Bill No. 161, is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be

termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of

compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%, ~~except as provided by subsection (17)~~; (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, ~~except as provided by subsection (18)~~; and (F) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year to be calculated ~~as if no certification is made reducing or increasing the rate of employer contribution as provided in subsection (17) or (18) without regard to transfers made pursuant to section 50 of this act.~~ As used in this subsection, "capitalized interest" means interest payments on the bonds that are pre-funded or financed from bond proceeds as part of the issue for a specified period of time in order to offset one or more initial debt service payments.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of

contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers. (vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years. (10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2015 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection

(11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007. (11) The actuarial accrued liability incurred for the provisions of K.S.A. 2015 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2015 Supp. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2015 Supp. 74-49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

~~(17) On and after the effective date of this act, during the fiscal year ending June 30, 2016, if the director of the budget lapses or transfers any amount from the state general fund or from any special revenue fund or funds that would be attributable to employer contributions for any state agency pursuant to section 98(a)(1) of this act, the director of the budget shall certify such amount or amounts and transmit such certification to the board. Upon receipt of such certification, the board shall certify the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, for the fiscal year ending June 30, 2016, at 10.91% minus a percentage of compensation that corresponds to the dollar amount certified by the director of the budget pursuant to this subsection.~~

~~(18) On July 1, 2016, if the director of the budget lapsed or transferred any amount from the state general fund or from any special revenue fund or funds that would be attributable to employer contributions for any state agency during the fiscal year ending June 30, 2016, pursuant to section 98(a)(1) of this act, the board shall certify the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, for the first quarter of the fiscal year ending June 30, 2017, at 10.81% plus a percentage of compensation that corresponds to four times the dollar amount, plus 8%, certified by the director of the budget pursuant to subsection (17). For the final three quarters of the fiscal year ending June 30, 2017, the board shall certify the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, at 10.81%.~~

~~(19) An amount of money corresponding to the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, for the first quarter of the fiscal year ending June 30, 2017, established in subsection (18) shall be paid by the state of Kansas and participating employers under~~

~~K.S.A. 74-4931, and amendments thereto, to the Kansas public employees retirement fund on or before September 30, 2016.~~

Sec. 53. K.S.A. 2015 Supp. 74-99b34, as amended by section 109 of 2016 House Substitute for Senate Bill No. 161, is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2015 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (d)(2), (d)(3), (h), (i) or (j), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) The net earnings rate of the pooled money investment portfolio for the preceding month.

(2) (A) For fiscal year 2016, fiscal year 2017 and fiscal year 2018, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the state general fund to the following: The center of innovation for biomaterials in orthopaedic research – Wichita state university fund.

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) (A) For fiscal year 2016, fiscal year 2017 and fiscal year 2018, the next

\$5,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.

(B) There is hereby established in the state treasury the national bio agro-defense facility fund which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During the fiscal year ending June 30, 2016, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed ~~\$8,000,000~~ \$6,997,663 for such fiscal year.

(i) During the fiscal year ending June 30, 2017, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.

(j) During the fiscal year ending June 30, 2018, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.

Sec. 54. K.S.A. 2015 Supp. 74-4914d, as amended by section 106 of House Substitute for Senate Bill No. 161, 74-4920, as amended by section 107 of 2016 House Substitute for Senate Bill No. 161, and 74-99b34, as amended by section 109 of 2016 House Substitute for Senate Bill No. 161, are hereby repealed.

Sec. 55. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 56. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special

revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 57. *Savings.* (a) Any unencumbered balance as of June 30, 2016, in any special revenue fund, or account thereof, of any state agency named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161 or this act which is not otherwise specifically appropriated or limited for fiscal year 2017 by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or any other appropriation act of the 2016 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2017, for the same use and purpose as the same was heretofore appropriated.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 58. (a) During the fiscal year ending June 30, 2017, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or other appropriation act of the 2016 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2017, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund.

(b) As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 59. *Federal grants.* (a) During the fiscal year ending June 30, 2017, each federal grant or other federal receipt which is received by a state agency named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161 or this act and which is not otherwise appropriated to that state agency for fiscal year 2017 by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or other appropriation act of the 2016 regular session of the legislature, is hereby appropriated for fiscal year 2017 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2017, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2017.

(b) In addition to the other purposes for which expenditures may be made by any state agency which is named in chapter 4, 81 or 104 of the 2015 Session Laws of

Kansas, 2016 House Substitute for Senate Bill No. 161 or this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2017 by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or any other appropriation act of the 2016 regular session of the legislature to apply for and receive federal grants during fiscal year 2017, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 60. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or other appropriation act of the 2016 regular session of the legislature, and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2015.

Sec. 61. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or other appropriation act of the 2016 regular session of the legislature and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2015.

Sec. 62. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161, this act or other appropriation act of the 2016 regular session of the legislature and having an unencumbered balance as of June 30, 2016, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2017, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2015.

Sec. 63. (a) Any transfers of money during the fiscal year ending June 30, 2017, from any special revenue fund of any state agency named in chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, 2016 House Substitute for Senate Bill No. 161 or this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2017.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking lines 2 through 5 and inserting "making and concerning appropriations for fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2015 Supp. 74-4914d, as amended by section 106 of House Substitute for Senate Bill No. 161, 74-4920, as amended by section 107 of 2016 House Substitute for Senate Bill No. 161, and 74-99b34, as amended by section 109 of 2016 House Substitute for Senate Bill No. 161, and repealing the existing sections.";

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

RON RYCKMAN, JR.

SHARON SCHWARTZ

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

Senator Masterson moved the Senate adopt the Conference Committee Report on **H Sub SB 249**.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Knox, McGinn, Pettey, Pyle, V. Schmidt, Smith, Tyson, Wolf.

The Call was lifted.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." *Federalist 47* "But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others." *Federalist 51* The Kansas Senate has been the leader in making sure the "walls of separation" that have been eroding over time in Kansas are being re-erected. House Substitute for **H Sub SB 249** cedes the power that is held solely by the Legislature, the power of the purse, to the Executive Branch. This also happened last year. So now we have not only set precedent but also practice. It is an abdication of our constitutional duty. I vote "No" on **H Sub SB 249**.—GREG SMITH

Madam President: I vote “No” on the **House Substitute for Senate Bill 249**, the conference committee report on the budget. There are appropriations in this report that are needed: adjustments to fund our human services caseloads and for salary increases at our state hospitals and for social workers. My concern is that these appropriations are being paid for not by cutting, but by selling off assets and delaying expenditures: highway projects, the fourth quarter payment to the Kansas Public Employees Retirement Fund, and salary increases for many other state employees. Even with hopes that we will find savings from the efficiency study suggestions, we are getting by only by passing on the responsibility to make cuts across the board to the Governor. And although we are sparing cuts to K-12 schools, we are instituting a new formula for allotments to our institutions of higher education that is not based on the state general fund allocations with the result of taking the highest share from our two major research institutions, Kansas State University and the University of Kansas. We should be making investments; instead we are adopting a budget that is dismantling our state. —

MARCI FRANCISCO

Senators Hawk, Hensley, Holland and Pettey request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **SB 249**.

On emergency motion of Senator Bruce, **HCR 5027** was adopted.

#### **REPORT ON ENROLLED BILLS**

**Sub SB 22, H Sub SB 44, SB 318, SB 319, SB 321, SB 373, SB 387, SB 390, SB 408** reported correctly enrolled, properly signed and presented to the Governor on May 1, 2016.

**SR 1796, SR 1797** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 1, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, June 1, 2016.

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, June 1, 2016, 10:00 a.m.

As provided by **HCR 5027**, the Sine Die Session of the regular 2016 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, For a few weeks, some of these seats have been empty. You've given Your servants a break. You provided for a pause in these legislative chambers. We come today looking to finish out this session. In Proverbs 15:6-7, You said there's great wealth in the house of the righteous, and the lips of the wise spread knowledge. So, Lord, help these servants to complete their tasks with excellence...looking to You for a wealth of wisdom, guidance and resources. Thank You Lord, for the labor...for the faithfulness of these servants. We know that even when we leave here, there'll still be work to do and more to accomplish. But, let the summer and the fall be a time of revitalizing. And please maintain a protective hedge around each one until we gather again. We thank You for blessing us here and we look forward to an even greater hereafter. It's truly an honor to serve You Lord. And I thank You, in Jesus' name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## **POINT OF PERSONAL PRIVILEGE**

Senator McGinn rose on a Point of Personal Privilege to introduce guests, Eddy and Anne McGinnis from England visiting Kansas. Also introduced were Karen Hall and Mark McGinn.

Senators honored the guests with a standing ovation.

Senator Fitzgerald rose on a Point of Personal Privilege to honor fallen officer, Detective Brad Lancaster who lost his life in the line of duty protecting the citizens of Kansas City, Kansas. Members of his family and several of his fellow officers were present. A Senate Tribute was presented to Detective Lancaster's family in honor of his selfless dedication to his community and the State of Kansas.

Senators honored the guests with a standing ovation.

## **MESSAGES FROM THE GOVERNOR**

**SB 318, SB 319, SB 321, SB 373, SB 387, SB 390, SB 408** approved on May 6, 2016.

**SB 19; H Sub SB 44, H Sub SB 227; SB 326; H Sub SB 337; SB 407** approved on May 9, 2016.

**H Sub SB 168, H Sub SB 193; SB 224, SB 248; H Sub SB 255** approved on May 10, 2016.

**Sub SB 22; H Sub SB 149; Sub SB 323** approved on May 11, 2016.

**H Sub SB 128, H Sub SB 402** approved on May 16, 2016.

**SB 325, SB 366, SB 418, SB 449** approved on May 17, 2016.

### **H Sub SB 280 – Veto Message from the Governor**

In 2014, I signed **House Substitute for Senate Bill 231**, which contained numerous revisions governing the litigation of tax cases. In connection with the consideration of that legislation, I expressed concerns about a section in a prior version of the bill that would have retroactively given the parties in previously determined matters a second opportunity to litigate their cases. This objectionable provision then was removed from the final 2014 legislation, which I eventually signed.

The bill that I am vetoing today renews the concerns I expressed two years ago, by adding a new provision that would for the first time allow tax cases that are on appeal and eventually remanded to the Board of Tax Appeals to then be the subject of a subsequent appeal to a district court, where the court would conduct an entirely new trial and decide all of the issues over again. Section 3(c)(4)(B). This new possibility of district “trial de novo,” as defined in this provision, improperly gives parties in previously determined matters a second opportunity to litigate their cases, and essentially nullifies the prior proceedings – thereby wasting time, effort, and expenses incurred by the parties and the courts in these matters. Significantly, the Kansas courts have recognized that the Board of Tax Appeals already performs the necessary judicial function of an initial court of record for the matters at issue here – a function that would be upended by this legislation. See *In re Appeal of Trickett*, 27 Kan. App. 2d 651,656, 8 P.3d 18, 23 (2000).

The new appeal right contained in this bill would be very beneficial to parties in cases positioned to take advantage of them, and as it turns out, to one case in particular. The State of Kansas is currently litigating an income tax matter in which the state has received a tax deposit of \$48,467,227.00. The taxpayers in that case, Mr. and Mrs. O. Gene Bicknell, have been supporters of and financial donors to my campaigns for public office, as well as the campaigns of many others. Mr. Bicknell was a candidate for the Republican nomination for Governor of Kansas in 1994. His tax dispute with the State of Kansas far predates my election as Governor, but the litigation has continued throughout my administration and I have always taken the position that the matter should be left to the Department of Revenue and the court system. See *In re Bicknell*, No. 2010-8529-DT (decision of the Kansas Court of Tax Appeals dated Dec. 3, 2013), vacated and remanded, No. 111,202 (decision of the Kansas Court of Appeals dated Sept. 25, 2015) (transfer motion pending before Kansas Supreme Court.)

Under these circumstances, it would be improper for me to approve this legislation. Taxpayers should contest their past tax obligations before the board and the courts under the laws that apply to everyone. Most Kansans lack the resources necessary to seek special treatment through the legislative process. I share the Legislature's interest in ensuring a fair and impartial system of justice for taxpayers. Toward that end, I look forward to receiving any new legislation with reforms that operate on a going forward

basis and which do not disturb pending cases.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **House Substitute for Senate Bill 280**.

SAM BROWNBACK, *Governor*

Dated: May 17, 2016

### **H Sub SB 249 – Veto Message from the Governor**

I want to thank every member of the Kansas Legislature for your hard work during the 2016 session. I have taken actions to balance the budget and reduce the growth of state spending. If the Kansas Supreme Court orders an additional \$40 million, or more, in funding for schools, it could result in additional cuts to Medicaid and higher education beyond those enumerated here.

These actions protect public safety and provide support to state hospitals, specifically:

- Increasing SGF to Osawatomie State Hospital and Larned State Hospital by \$11.4 million in FY 2016.
- Increasing SGF to Osawatomie State Hospital and Larned State Hospital by \$5.6 million in FY 2017, including direct care pay increases to Registered Nurses at OSH and Mental Health Technicians at OSH and LSH in order to provide aid in recruitment and retention of qualified nursing and direct care staff.
- Increasing DCF's budget by \$1.1 million to fund pay increases to Social Workers to improve recruitment and retention in these hard to fill positions.
- Realizing \$6.5 million in reduced expenditures from the State General Fund in order to pay for the pay increases that will be realized through implementation of Alvarez and Marsal efficiency recommendations.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **House Substitute for Senate Bill No. 249** with my signature approving the bill, except for the items enumerated below.

#### **Department of Aging and Disability Services – Mental Health Screenings**

Section 20(b) is vetoed in its entirety.

In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued based on the potential loss of funding from the federal government due to federal Mental Health parity regulations. The proviso at issue here would return to the former policy, at a cost of more than \$1.8 million. While that cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I would be pleased to revisit this issue if the state receives new and different assurances from the federal government on the matter.

#### **KPERS – Transfer of Tobacco Litigation Settlement Revenue**

Section 50(c) is vetoed in its entirety.

**House Substitute for SB 249** states that if KPERS employer contributions for any

state agency is lapsed or transferred in FY 2016, the amount will be certified and repaid with interest of 8.0 percent per annum to the KPERS retirement fund from the State General Fund. The five repayment provisions are prescribed as follows:

- a) The amount of which the actual tax receipt revenues to the State General Fund exceeds the April 2017 joint estimate of revenue shall repay the KPERS amount lapsed or transferred.
- b) The amount of which the actual tax receipt revenues to the State General Fund exceeds the April 2018 joint estimate of revenue shall repay the KPERS amount lapsed or transferred.
- c) The amount received from the master tobacco settlement litigation revenue in excess of expenditures or transfers that have been made from the Key Endowment for Youth Fund as provided by law in FY 2017 shall be used to repay the KPERS amount lapsed or transferred.
- d) The amount received from master tobacco settlement litigation revenue in excess of expenditures or transfers that have been made from the Key Endowment for Youth Fund as provided by law in FY 2018 shall be used to repay the KPERS amount lapsed or transferred; and
- e) Any amounts remaining to be repaid from the amount lapsed or transferred in FY 2016 will be repaid from the State General Fund by June 30, 2018.

The excess master tobacco settlement litigation revenue is estimated to be \$16.0 million in FY 2017. In order to increase the State General Fund ending balance by \$16.0 million and guard against further reductions to Medicaid and Higher Education, the proviso prescribing excess master tobacco settlement litigation revenue to be used to repay the KPERS amount lapsed or transferred in FY 2016 is vetoed. The remaining four provisions relating to the repayment of KPERS employer contributions lapsed or transferred in FY 2016 will remain.

SAM BROWNBACK, *Governor*

Dated: May 18, 2016

## **COMMUNICATIONS FROM STATE OFFICERS**

Office of the Attorney General  
May 4, 2016

Kansas Attorney General, Derek Schmidt, submitted the fiscal year 2015 annual report of the Crime Victims Compensation Board.

Human Rights Commission  
May 31, 2016

Executive Director, Ruth Glover, submitted the Kansas Human Rights Commission Annual Report for fiscal year 2015.

The President announced the reports are on file in the office of the Secretary of the Senate and available for review at any time.

On motion of Senator Bruce the Senate recessed until 11:45 a.m.

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**ACTIONS ON VETO MESSAGE**

The Vice President announced a veto message from the Governor having been received on May 17, 2016 and read, the time had arrived for consideration.

Senator Melcher moved **H Sub SB 280** be passed notwithstanding the Governor's veto.

**H Sub SB 280**, AN ACT concerning property tax; powers of taxing jurisdictions; valuation, appeals, procedure; ratio study, presentation to county commissioners; exemptions; bed and breakfasts; oil and gas leases, determination of value of production, evidence; county appraisers, persons eligible; market study analysis; tax liens, extinguishment; delinquent real property taxes, interest rates, claims against the county.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: King.

**VETO SUSTAINED**

Vice President King announced the time had arrived for reconsideration of the line item vetoes on **H Sub SB 249**, AN ACT making and concerning appropriations for FY 2016, FY 2017 and FY 2018 for various state agencies; omnibus appropriation act of 2016; capital improvement projects; claims against the state.

No motion having been offered to reconsider, Vice President King announced the Governor's line vetoes on **H Sub SB 249** were declared sustained.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Wagle, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Tyson, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1798—

A RESOLUTION supporting student privacy and safety.

WHEREAS, The State of Kansas has a compelling interest in protecting the privacy, safety, health and welfare of all students in public schools, colleges and universities in this state; and

WHEREAS, Public schools, colleges and universities have a duty to respect and protect the privacy rights of their students. Courts have recognized a constitutional right to privacy that includes a right not to be compelled by the government to undress or be unclothed in the presence of members of the opposite sex; and

WHEREAS, Children and young adults have a reasonable expectation that public schools, colleges and universities in this state will not allow their students to be viewed

in various states of undress by members of the opposite sex while using student restrooms, locker rooms and showers; and

WHEREAS, Parents have a reasonable expectation that public schools in this state will not allow their minor children to be viewed in various states of undress by members of the opposite sex, nor allow their minor children to view members of the opposite sex in various states of undress; and

WHEREAS, The U.S. Departments of Justice and Education under the Obama Administration unilaterally determined that Title IX applies to prohibitions on discrimination based on "gender identity," as well as to students' biological sex, despite the lack of legislative history, textual or direct judicial support for this conclusion in issuing Title IX "guidance" to all public schools on May 13, 2016 (Obama Administration Title IX guidance); and

WHEREAS, The U.S. Departments of Justice and Education are threatening to condition every school district's ability to receive federal education funding upon compliance with the Obama Administration Title IX guidance; and

WHEREAS, The action of the U.S. Departments of Justice and Education threatens the ability of public schools in this state to protect the privacy, safety, health and welfare of their students, should schools comply with the Obama Administration Title IX guidance, or else threatens the ability of schools to continue to provide high-quality educational activities, should schools lose federal funding in order to protect their students; and

WHEREAS, Education policy decisions should be made by local school leaders and communities, not the federal government, because local school leaders and communities, along with parents, know best how to respond to specific situations involving student privacy and safety: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Senate of the State of Kansas supports the right of states and local school boards, not the federal government, to direct education policy; and

*Be it further resolved:* That the Senate of the State of Kansas stands steadfast in its support for the privacy and safety rights of all students in public schools, colleges and universities in this state; and

*Be it further resolved:* That the Senate of the State of Kansas stands steadfast in its support for parents who send their minor children to school, expecting that public schools will not allow their children to be viewed in various states of undress by members of the opposite sex, or to view members of the opposite sex in various states of undress; and

*Be it further resolved:* That the Senate of the State of Kansas encourages public schools, colleges and universities in this state to uphold their primary responsibility to protect the privacy and safety of all students, and to therefore disregard the Obama Administration Title IX guidance; and

*Be it further resolved:* That the Senate of the State of Kansas strongly opposes the Obama Administration Title IX guidance as an act of executive overreach that threatens the rights to privacy, safety and education of students in this state; and

*Be it further resolved:* That the Senate of the State of Kansas strongly encourages the Congress of the United States to curtail the Obama Administration Title IX guidance by using every legislative tool in their power, including passing legislation to protect students' privacy rights; reassuring states, schools and other educational institutions that

they will not lose federal education funding by disregarding the Obama Administration Title IX guidance; withholding funding for the U.S. Departments of Justice and Education that would otherwise be used to implement the Obama Administration Title IX guidance so as to ensure agency enforcement of the law is based on the clear statutory text as passed by Congress and signed into law; and holding hearings to investigate the process by which the U.S. Departments of Justice and Education developed the Obama Administration Title IX guidance and holding those responsible for the decision accountable for their overreach; and

*Be it further resolved:* That the Senate of the State of Kansas expresses deep gratitude and steadfast support for the Attorney General of the State of Kansas for joining a brief of amicus curiae in the case of Grimm v. Gloucester County School Board asking the U.S. Court of Appeals for the Fourth Circuit to rehear the case en banc in order to correct the misinterpretation of Title IX by a panel of that court and the U.S. Departments of Justice and Education; and

*Be it further resolved:* That the Senate of the State of Kansas expresses deep gratitude and steadfast support for the Attorney General of the State of Kansas for joining litigation against the U.S. Departments of Justice and Education challenging the Obama Administration Title IX guidance or filing a separate similar lawsuit; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to the Governor of the State of Kansas, the Attorney General of the State of Kansas, the President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 0; Absent or Not Voting 2.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Absent or Not Voting: Abrams, Donovan.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. Vice President: If you believe your "son" has the right to see my daughter in various stages of undress, you're wrong. If you believe the Kansas Legislature abdicated its duties to equitably fund schools, you're wrong. Dropped on us late Friday night was a political decision, issued by an unelected branch of government. The Kansas Supreme Court is holding school children hostage in order to distract the public from its use of poor judgment, which has allowed murderers and rapists like the Carr brothers off the hook. It has been insinuated the resolution before us is based purely on election motives. To the contrary, it is the right thing to do, and I urge the body to adopt it. —TERRY BRUCE

Senators Lynn, Melcher, Olson, Pilcher-Cook and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **SR 1798**.

Mr. Vice President: I vote "No" on **Senate Resolution 1798**. The Kansas Legislature has once again failed to comply with our constitutional duty to fairly fund our public schools. If we are truly concerned with keeping schools open in August, we should have used this Sine Die session to appropriate the required amount of money, in this case \$38 million, for school funding equity rather than waste taxpayer dollars on an election year charade over which bathroom students should use. I find it hard to believe that every Senate Republican wanted to spend our time debating school bathrooms instead of debating school finance. That is why I vote no.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SR 1798**.

#### REPORT ON ENROLLED BILLS

**SB 19; H Sub SB 149, H Sub SB 227; SB 326; H Sub SB 337; SB 407** reported correctly enrolled, properly signed and presented to the Governor on May 3, 2016.

**H Sub SB 128, H Sub SB 168, H Sub SB 193; SB 224, SB 248; H Sub SB 249, H Sub SB 255, H Sub SB 280; Sub SB 323; SB 325, SB 366; H Sub SB 402; SB 418, SB 449** reported correctly enrolled, properly signed and presented to the Governor on May 9, 2016.

**SR 1798** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 1, 2016.

#### TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for Sine Die on June 1, 2016:

Senator Bowers: congratulating the *Belleville Telescope* and staff on their 2015 Kansas Press Association Awards, congratulating Dylan Riedel on being named the Russell City Fire Department's 2015 Firefighter of the Year, congratulating the *Washington County News* and staff on their 2015 Kansas Press Association Awards;

Senator Faust-Goudeau: recognizing the Heartland Black Business Chamber of Commerce-Wichita, congratulating the Kansas State Council of Firefighters and IAFF Local 135 on their 71st Annual Conference, recognizing Sheila Officer and Mike Harden for their work with the Hutchinson Correctional Facility Offender Educational Program;

Senator Fitzgerald: honoring the life and service of Detective Brad Lancaster;

Senator Haley: recognizing the Sumner High School Class of 1966;

Senator Kerschen: congratulating Apollo Elementary School and Discovery Intermediate School on winning the Governor's Achievement Award;

Senator Ostmeyer: congratulating Augustine and Phyllis Zerr on their 65th Wedding Anniversary; and

Senator Tyson: recognizing ECKAN on their 50th Anniversary and commending their decades of outstanding service in Kansas, congratulating Franklin County EMS on its 40th Anniversary and commending their service in the State of Kansas.

As provided by **HCR 5027**, Senator Bruce moved the Senate adjourn Sine Die. The motion prevailed.

Vice President King thereupon announced: "By virtue of the authority vested in me as vice president of the Senate, I now declare the 2016 Session of the Kansas Senate adjourned Sine Die."

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#### MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **H Sub SB 280**, AN ACT concerning taxation; relating to powers of taxing jurisdictions; valuation, appeals, procedure; ratio study, presentation to county commissioners, exemptions; bed and breakfasts; oil and gas leases, determination of value of production, evidence; county appraisers, persons eligible; market study analysis; tax liens, extinguishment; delinquent real property taxes, interest rate, claims against the county; amending K.S.A. 19-432, 79-504, 79-1412a, 79-1456, 79-1460a and 79-2011 and K.S.A. 2015 Supp. 12-1927, 74-2426, 74-2433, 74-2438, 77-618, 79-331, 79-425a, 79-503a, 79-1439, 79-1448, 79-1460, 79-1476, 79-2004, 79-2005 and 79-2026 and repealing the existing sections.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **H Sub SB 280**, the bill be passed. By a vote of 120 Yeas and 0 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

The following bills and concurrent resolutions are hereby transmitted to the Senate with final disposition:

Senate bills that died on the House Calendar: **H Sub SB 29, H Sub SB 59, H Sub SB 64, H Sub Sub SB 65, Sub SB 131, H Sub Sub SB 216, SB 241, SB 242, SB 243, SB 313, Sub SB 428.**

Senate bills that died in House Committee: **SB 6, SB 23, SB 24, SB 31, SB 42, SB 48, SB 56, SB 57, Sub SB 60, SB 62, SB 86, SB 98, SB 121, Sub SB 155, Sub SB 171, SB 180, SB 181, Sub SB 182, SB 190, SB 197, SB 215, SB 239, SB 244, SB 246, SB 271, SB 274, Sub SB 277, SB 288, Sub SB 335, SB 341, SB 342, SB 353, Sub SB 356, SB 359, SB 363, SB 372, SB 374, SB 379, SB 391, SB 393, SB 395, SB 404, SB 410, SB 415, SB 419, SB 421, SB 422, SB 424, SB 436, SB 437, SB 439, Sub SB 440, SB 445, SB 453, SB 454, SB 457, Sub SB 462, SB 469, SB 474, SB 476, SB 480, SB 509.**

Senate concurrent resolutions that died in House Committee: **SCR 1610.**

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*  
COREY CARNAHAN, *Secretary of the Senate.*



SHORT TITLE AND HISTORY  
OF  
SENATE BILLS  
AND  
SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2015 and 2016 Senate and House Journals)  
(3057)



TITLE AND HISTORY OF SENATE BILLS  
INCLUDES SENATE BILLS CARRIED OVER FROM 2015 SESSION

- S 1** Bill by Senator Haley  
**Increasing criminal penalties for hate crimes and establishing reporting requirements for law enforcement agencies.**  
01/12/2015 Senate—Prefiled for Introduction on Friday, November 07, 2014  
01/12/2015 Senate—Introduced—SJ 6  
01/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 14  
01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 9:30 AM Room 118-N  
06/01/2016 Senate—Died in Committee
- S 2** Bill by Senator LaTurner  
**Authorizing school districts to offer multi-year contracts to teachers.**  
01/12/2015 Senate—Prefiled for Introduction on Monday, December 01, 2014  
01/12/2015 Senate—Introduced—SJ 6  
01/13/2015 Senate—Referred to Committee on Education—SJ 14  
01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 1:30 PM Room 144-S  
06/01/2016 Senate—Died in Committee
- S 3** Bill by Senator Faust-Goudeau  
**Unemployment benefits for privately contracted school bus drivers.**  
01/12/2015 Senate—Prefiled for Introduction on Wednesday, December 03, 2014  
01/12/2015 Senate—Introduced—SJ 6  
01/13/2015 Senate—Referred to Committee on Commerce—SJ 14  
01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 6** Bill by Legislative Post Audit Committee  
**Authorizing the division of post audit to background check contractors and other workers.**  
01/12/2015 Senate—Prefiled for Introduction on Tuesday, December 30, 2014  
01/12/2015 Senate—Introduced—SJ 7  
01/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 14  
01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 144-S  
02/10/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96  
03/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 230  
03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233  
03/10/2015 House—Received and Introduced—HJ 338  
03/11/2015 House—Referred to Committee on Federal and State Affairs—HJ 339  
06/01/2016 House—Died in House Committee
- S 9** Bill by Senator Haley  
**Enacting the cannabis compassion and care act.**  
01/12/2015 Senate—Prefiled for Introduction on Friday, January 02, 2015  
01/12/2015 Senate—Introduced—SJ 7  
01/13/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 14  
06/01/2016 Senate—Died in Committee

- S 16** Bill by Judiciary  
**Attorney fees in certain actions.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 17** Bill by Judiciary  
**Judicial council membership.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S  
 01/22/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 37  
 02/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 132  
 02/19/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 136  
 02/20/2015 House—Received and Introduced—HJ 267  
 02/23/2015 House—Referred to Committee on Judiciary—HJ 278  
 01/20/2016 House—Hearing: Tuesday, January 26, 2016, 3:30 PM Room 112-N  
 02/03/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1984  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 18** Bill by Judiciary  
**House Substitute for Substitute for SB 18 by Committee on Judiciary –  
 Regulating access to certain law enforcement audio and video  
 recordings and adding an exception to disclosure under the open  
 records act.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 18  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 9:30 AM Room 118-N  
 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 9:30 AM Room 118-N  
 02/23/2015 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 151  
 02/26/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 212  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 01/29/2016 House—Hearing: Thursday, February 04, 2016, 3:30 PM Room 112-N  
 02/09/2016 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2018  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 19** Bill by Judiciary  
**Electronic service of order or notice under the Kansas administrative  
 procedure act and the Kansas judicial review act.**  
 01/13/2015 Senate—Introduced—SJ 14  
 01/14/2015 Senate—Referred to Committee on Judiciary—SJ 18  
 01/20/2015 Senate—Hearing: Thursday, January 22, 2015, 10:30 AM Room 346-S

- 02/04/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 69
- 01/11/2016 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1753
- 01/15/2016 Senate—Hearing: Wednesday, January 20, 2016, 10:30 AM Room 346-S
- 01/21/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1776
- 02/03/2016 Senate—Committee of the Whole - Be passed as amended
- 02/03/2016 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1812
- 02/04/2016 House—Received and Introduced—HJ 1989
- 02/05/2016 House—Referred to Committee on Judiciary—HJ 2000
- 03/14/2016 House—Hearing: Monday, March 14, 2016, 3:30 PM Room 112-N
- 03/17/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2300
- 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2384
- 03/23/2016 House—Final Action - Passed as amended; Yea: 122 Nay: 1—HJ 2407
- 03/23/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2192
- 03/24/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2416
- 04/29/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2419
- 06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016—SJ 3053
- S 20** 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047  
Bill by Corrections and Juvenile Justice  
**Increasing criminal penalties for residential burglary.**
- 01/14/2015 Senate—Introduced—SJ 17
- 01/15/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 21
- 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 9:30 AM Room 118-N
- 02/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 69
- S 22** 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898  
Bill by Judiciary  
**Substitute for SB 22 by Committee on Judiciary – Public records; audio and video recordings using a body camera or a vehicle camera; legislative review of exceptions to disclosure of public records; open records act definitions of criminal investigation records, public agency and public record; disclosure of charitable gaming licensee information.**
- 01/14/2015 Senate—Introduced—SJ 17
- 01/15/2015 Senate—Referred to Committee on Judiciary—SJ 21
- 01/22/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 346-S
- 02/05/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 83

- 02/16/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 114
- 01/11/2016 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1753
- 01/15/2016 Senate—Hearing: Wednesday, January 20, 2016, 10:30 AM Room 346-S
- 01/21/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 1776
- 02/03/2016 Senate—Committee of the Whole - Substitute bill be passed
- 02/03/2016 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 1813
- 02/04/2016 House—Received and Introduced—HJ 1989
- 02/05/2016 House—Referred to Committee on Judiciary—HJ 2000
- 03/14/2016 House—Hearing: Monday, March 14, 2016, 3:30 PM Room 112-N
- 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2317
- 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2381
- 03/23/2016 House—Final Action - Substitute passed as amended; Yea: 109 Nay: 14—HJ 2407
- 03/23/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2192
- 03/24/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2416
- 04/28/2016 House—Conference Committee Report was adopted; Yea: 118 Nay: 0—HJ 2482
- 04/28/2016 House—Motion to Reconsider Adopted—HJ 2513
- 04/28/2016 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2513
- 04/29/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2271
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- 06/01/2016 Senate—Approved by Governor on Wednesday, May 11, 2016—SJ 3047

**S 23**

Bill by Judiciary

**Authorized restrictions of driving privileges; ignition interlock device.**

- 01/14/2015 Senate—Introduced—SJ 17
- 01/15/2015 Senate—Referred to Committee on Judiciary—SJ 21
- 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 10:30 AM Room 346-S
- 01/22/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 37
- 02/04/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 66
- 02/05/2015 House—Received and Introduced—HJ 171
- 02/06/2015 House—Referred to Committee on Judiciary—HJ 176
- 03/06/2015 House—Hearing: Monday, March 09, 2015, 3:30 PM Room 112-N
- 03/18/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 419

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- 06/01/2016 House—Died in House Committee
- S 24** Bill by Federal and State Affairs  
**Technical professions act; definitions clarification.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 21  
 01/22/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 144-S  
 02/10/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 96  
 02/18/2015 Senate—Committee of the Whole - Be passed—SJ 132  
 02/19/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 136  
 02/20/2015 House—Received and Introduced—HJ 267  
 02/23/2015 House—Referred to Committee on Federal and State Affairs—HJ 278  
 03/10/2015 House—Hearing: Tuesday, March 10, 2015, 9:00 AM Room 346S  
 06/01/2016 House—Died in House Committee
- S 25** Bill by Federal and State Affairs  
**Firearms; background checks; gun shows.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 21  
 06/01/2016 Senate—Died in Committee
- S 26** Bill by Ethics and Elections  
**Campaign finance; use of campaign contributions for certain expenses of spouses.**  
 01/14/2015 Senate—Introduced—SJ 17  
 01/15/2015 Senate—Referred to Committee on Ethics and Elections—SJ 21  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 144  
 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 29** Bill by Assessment and Taxation  
**House Substitute for SB 29 by Committee on Taxation - Concerning taxation; relating to income tax, rates, itemized deductions, credits, income modifications and rural opportunity zones; tax amnesty; sales and compensating use tax, rates, food and distribution thereof; sales tax authority for Bourbon, Douglas and Thomas counties; cigarettes, rates; property taxation, consolidated fire districts**  
 01/15/2015 Senate—Introduced—SJ 20  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/22/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 01/28/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 47  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 35 Nay: 5—SJ 173  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Taxation—HJ 324  
 05/27/2015 House—Committee report recommending a substitute bill be reported without recommendation by Committee on Taxation. Committee on Taxation—HJ 911

- 05/28/2015 House—Motion pursuant to House Rule 2311 to advance bill to Final Action subject to amendment, debate and roll call failed.—HJ 914
- 06/01/2016 House—Died on House Calendar
- S 30** Bill by Assessment and Taxation  
**Electronic filing of mineral severance tax returns required.**  
 01/15/2015 Senate—Introduced—SJ 20  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 01/28/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 47
- 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 31** Bill by Assessment and Taxation  
**Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 9:30 AM Room 548-S  
 02/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 67  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 362  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Taxation—HJ 564  
 06/01/2016 House—Died in House Committee
- S 32** Bill by Education  
**Requiring school district and state department of education audits; creating the efficient operation of schools task force.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Education—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 1:30 AM Room 144-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 107
- 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 33** Bill by Education  
**Creating the Kansas education standards study commission.**  
 01/15/2015 Senate—Introduced—SJ 21  
 01/16/2015 Senate—Referred to Committee on Education—SJ 24  
 01/20/2015 Senate—Hearing: Wednesday, January 21, 2015, 1:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 35** Bill by Ways and Means  
**Appropriation revisions for FY 2015, FY 2016, FY 2017, and FY 2018 for various state agencies.**  
 01/16/2015 Senate—Introduced—SJ 24  
 01/20/2015 Senate—Referred to Committee on Ways and Means—SJ 27  
 01/21/2015 Senate—Hearing: Thursday, January 22, 2015, 10:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee

- S 37** Bill by 2014 Special Committee on Judiciary  
**Enacting the Kansas foster parents' bill of rights act.**  
 01/20/2015 Senate—Introduced—SJ 26  
 01/21/2015 Senate—Referred to Committee on Judiciary—SJ 34  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 40** Bill by Public Health and Welfare  
**Massage therapist licensure act.**  
 01/20/2015 Senate—Introduced—SJ 27  
 01/21/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 34  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 41** Bill by Ethics and Elections  
**Uniformed and overseas citizens absentee voting act; out of state college students.**  
 01/20/2015 Senate—Introduced—SJ 27  
 01/21/2015 Senate—Referred to Committee on Ethics and Elections—SJ 34  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 159-S  
 02/04/2015 Senate—Hearing: Thursday, February 05, 2015, 9:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 42** Bill by Assessment and Taxation  
**Governmental ethics; public funds used for lobbying; reporting.**  
 01/21/2015 Senate—Introduced—SJ 33  
 01/22/2015 Senate—Referred to Committee on Ethics and Elections—SJ 37  
 01/30/2015 Senate—Hearing: Thursday, February 05, 2015, 9:30 AM Room 159-S  
 03/04/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 223  
 03/19/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 299  
 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 299  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Elections—HJ 500  
 06/01/2016 House—Died in House Committee
- S 44** Bill by Judiciary  
**House Substitute for SB 44 by Committee on Judiciary - Amending the commercial real estate broker lien act.**  
 01/21/2015 Senate—Introduced—SJ 33  
 01/22/2015 Senate—Referred to Committee on Judiciary—SJ 37  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 346-S  
 02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 83  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 187  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/06/2015 House—Hearing: Tuesday, March 10, 2015, 3:30 PM Room 112-N

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 02/02/2016 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 1977
- 03/08/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2208
- 03/09/2016 House—Final Action - Substitute passed; Yea: 122 Nay: 0—HJ 2220
- 03/09/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2027
- 03/10/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2226
- 04/29/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2419
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047
- S 48**  
 Bill by Ways and Means  
**Sunset of property tax exemption for new qualifying pipeline property and retention of exemption for existing exemptions.**  
 01/21/2015 Senate—Introduced—SJ 34  
 01/22/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 37  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 9:30 AM Room 548  
 03/31/2015 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 420  
 05/14/2015 Senate—Committee of the Whole - Be passed—SJ 674  
 05/14/2015 Senate—Emergency Final Action - Passed; Yea: 23 Nay: 14—SJ 707  
 05/15/2015 House—Received and Introduced—HJ 796  
 05/18/2015 House—Referred to Committee on Taxation—HJ 803  
 06/01/2016 House—Died in House Committee
- S 49**  
 Bill by Public Health and Welfare  
**Kansas dental board; licensure of registered dental practitioners.**  
 01/21/2015 Senate—Introduced—SJ 34  
 01/22/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 37  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 50**  
 Bill by Local Government  
**Property tax; valuation classification bed and breakfast homes.**  
 01/21/2015 Senate—Introduced—SJ 34  
 01/22/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 37  
 06/01/2016 Senate—Died in Committee
- S 53**  
 Bill by Corrections and Juvenile Justice  
**Relating to principles of criminal liability; liability for the crimes of another.**  
 01/22/2015 Senate—Introduced—SJ 35  
 01/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 38  
 06/01/2016 Senate—Died in Committee
- S 55**  
 Bill by Financial Institutions and Insurance  
**House Substitute for SB 55 by Committee on Insurance and Financial Institutions - Authorizing the use of correction orders and civil penalties for health care facilities that violate health care provider insurance statutes.**

01/22/2015 Senate—Introduced—SJ 35  
 01/23/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 38  
 01/23/2015 Senate—Hearing: Tuesday, January 27, 2015, 9:30 AM Room 546-S  
 02/03/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 57  
 02/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 138  
 02/20/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 140  
 02/23/2015 House—Received and Introduced—HJ 278  
 02/24/2015 House—Referred to Committee on Financial Institutions—HJ 283  
 03/10/2015 House—Hearing: Thursday, March 12, 2015, 3:30 PM Room 152S  
 01/11/2016 House—Withdrawn from Committee on Financial Institutions; Referred to Committee on Insurance and Financial Institutions—HJ 1915  
 03/07/2016 House—Committee Report recommending substitute bill be passed by Committee on Insurance and Financial Institutions—HJ 2201  
 03/10/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2229  
 03/11/2016 House—Final Action - Substitute passed; Yea: 118 Nay: 0—HJ 2240  
 03/15/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Bowers and Senator Hawk as conferees—SJ 2064  
 03/17/2016 House—Motion to accede adopted; Representative Schwab, Representative Kelly and Representative Houston appointed as conferees—HJ 2287  
 03/24/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2223  
 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239  
 04/27/2016 Senate—Approved by Governor on Wednesday, April 06, 2016—SJ 2237

**S 56**

Bill by Judiciary

**Removing affirmative defense to promotion to minors of material harmful to minors for public, private or parochial schools.**

01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 38  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 118-  
 02/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 102  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 26 Nay: 14—SJ 174  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Judiciary—HJ 324  
 01/29/2016 House—Hearing: Tuesday, February 02, 2016, 3:30 PM Room 112-N  
 06/01/2016 House—Died in House Committee

**S 57**

Bill by Judiciary

**Kansas power of attorney act.**

01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 346-S

02/05/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 83

02/25/2015 Senate—Committee of the Whole - Be passed—SJ 180

02/26/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 189

03/04/2015 House—Received and Introduced—HJ 325

03/05/2015 House—Referred to Committee on Judiciary—HJ 328

03/10/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 112N

06/01/2016 House—Died in House Committee

**S 58**

Bill by Judiciary

**House Substitute for SB 58 by Committee on Judiciary – Creating an exemption to the Kansas open records act for the central registry of Kansas police and law enforcement officers and amending the definition of “conviction” for applicant qualification under the Kansas law enforcement training act.**

01/22/2015 Senate—Introduced—SJ 36

01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38

01/26/2015 Senate—Hearing: Thursday, January 29, 2015, 10:30 AM Room 346-S

02/05/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 83

02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180

02/26/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 189

03/04/2015 House—Received and Introduced—HJ 325

03/05/2015 House—Referred to Committee on Judiciary—HJ 328

01/20/2016 House—Hearing: Wednesday, January 27, 2016, 3:30 PM Room 112-N

03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2318

03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429

**S 59**

Bill by Judiciary

**House Substitute for SB 59 by Committee on Appropriations - Amendments to the CLASS Act regarding supplemental general state aid and capital outlay state aid.**

01/22/2015 Senate—Introduced—SJ 36

01/23/2015 Senate—Referred to Committee on Judiciary—SJ 38

01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 346-S

02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 144

02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 221

03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 229

03/10/2015 Senate—Committee of the Whole - Be passed as amended—SJ 238

03/11/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 243

03/12/2015 House—Received and Introduced—HJ 347

03/13/2015 House—Referred to Committee on Judiciary—HJ 363

03/13/2015 House—Hearing: Wednesday, March 18, 2015, 3:30 PM Room 112N

03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 487

01/11/2016 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 1914

- 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 9:00 AM Room 112-N  
 03/24/2016 House—Committee Report recommending substitute bill be passed by  
 Committee on Appropriations Committee on Appropriations—HJ 2422  
 06/01/2016 House—Died on House Calendar
- S 60** Bill by Federal and State Affairs  
**Substitute for SB 60 by Committee on Education - Authorizing participation  
 by less than full-time students in activities regulated by Kansas state  
 high school activities association.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Education—SJ 38  
 01/30/2015 Senate—Hearing: Monday, February 02, 2015, 1:30 PM Room 144-S  
 02/18/2015 Senate—Committee Report recommending substitute bill be passed by  
 Committee on Education—SJ 127  
 02/25/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 181  
 02/26/2015 Senate—Final Action - Substitute passed; Yea: 30 Nay: 9—SJ 190  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 112N  
 06/01/2016 House—Died in House Committee
- S 61** Bill by Federal and State Affairs  
**Kansas lottery; sale of tickets; advertising; underage purchase of ticket  
 prohibited.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
 01/26/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 144-  
 S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 96  
 02/23/2015 Senate—Withdrawn from Calendar, Rereferred to Committee on  
 Federal and State Affairs—SJ 150  
 06/01/2016 Senate—Died in Committee
- S 62** Bill by Federal and State Affairs  
**State fire marshal; search and rescue teams and hazardous materials response  
 teams; tort claims immunity; emergency response fund.**  
 01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
 01/26/2015 Senate—Hearing: Tuesday, January 27, 2015, 10:30 AM Room 144-S  
 02/10/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 96  
 02/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 158  
 02/25/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 176  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Federal and State Affairs—HJ 324  
 06/01/2016 House—Died in House Committee
- S 63** Bill by Federal and State Affairs  
**House Substitute for SB 63 by Committee on Taxation - Taxation; community  
 improvement district sales tax administration fund; electronic  
 cigarettes; sales tax exemptions, Gove county healthcare endowment  
 foundation, inc.**  
 01/22/2015 Senate—Introduced—SJ 36

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

01/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 38  
 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 9:30 AM Room 548-S  
 02/10/2015 Senate—Hearing: Wednesday, February 11, 2015, 9:30 AM Room 548-S  
 02/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 101  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Taxation—HJ 564  
 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 2326  
 03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2349  
 03/22/2016 House—Final Action - Substitute passed; Yea: 108 Nay: 17—HJ 2369  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 2177  
 03/23/2016 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as conferees—HJ 2398  
 04/28/2016 House—Representative Hutton replaces Representative Suellentrop on the Conference Committee—HJ 2528  
 04/29/2016 House—Conference Committee Report not adopted; Yea: 45 Nay: 74—HJ 2661

**S 64**

Bill by Federal and State Affairs

**House Substitute for SB 64 by Committee on Agriculture and Natural Resources - Limiting powers of rural water districts.**

01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Natural Resources—SJ 38  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 107  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 564  
 03/17/2016 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 2292  
 06/01/2016 House—Died on House Calendar

**S 65**

Bill by Federal and State Affairs

**House Substitute for Substitute for SB 65 by Committee on Federal and State Affairs - Regulation of the possession of firearms.**

01/22/2015 Senate—Introduced—SJ 36  
 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 AM Room 144-S  
 03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 270

- 01/14/2016 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 1766
- 02/05/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 1825
- 02/11/2016 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1851
- 02/11/2016 Senate—Emergency Final Action - Substitute passed as amended; Yea: 32 Nay: 7—SJ 1861
- 02/12/2016 House—Received and Introduced—HJ 2049
- 02/15/2016 House—Referred to Committee on Federal and State Affairs—HJ 2052
- 03/10/2016 House—Hearing: Tuesday, March 15, 2016, 9:00 AM Room 346
- 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 2308
- 06/01/2016 House—Died on House Calendar
- S 66** Bill by Federal and State Affairs  
**Personal and family protection act; regulating concealed carry in portions of public buildings.**
- 01/22/2015 Senate—Introduced—SJ 36
- 01/23/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 38
- 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 10:30 AM Room 144-S
- 06/01/2016 Senate—Died in Committee
- S 67** Bill by Federal and State Affairs  
**Development and establishment of K-12 curriculum standards.**
- 01/22/2015 Senate—Introduced—SJ 36
- 01/23/2015 Senate—Referred to Committee on Education—SJ 38
- 06/01/2016 Senate—Died in Committee
- S 69** Bill by Public Health and Welfare  
**Advanced practice registered nurses; scope of practice and prescribing authority.**
- 01/22/2015 Senate—Introduced—SJ 36
- 01/23/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 38
- 01/26/2015 Senate—Hearing: Thursday, January 29, 2015, 1:30 PM Room 118-N
- 06/01/2016 Senate—Died in Committee
- S 71** Bill by Ways and Means  
**School districts; amending the supplemental general state aid calculation.**
- 01/26/2015 Senate—Introduced—SJ 40
- 01/27/2015 Senate—Referred to Committee on Ways and Means—SJ 43
- 01/30/2015 Senate—Hearing: Tuesday, February 03, 2015, 10:30 AM Room 548-S
- 06/01/2016 Senate—Died in Committee
- S 75** Bill by Financial Institutions and Insurance  
**Amending the patient protection act to prohibit the use of certain provisions in agreements.**
- 01/26/2015 Senate—Introduced—SJ 40
- 01/27/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 43
- 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 9:30 AM Room 546-S
- 06/01/2016 Senate—Died in Committee

- S 79** Bill by Ethics and Elections  
**Electronic publication of propositions to amend the constitution.**  
 01/26/2015 Senate—Introduced—SJ 41  
 01/27/2015 Senate—Referred to Committee on Ethics and Elections—SJ 43  
 01/28/2015 Senate—Hearing: Thursday, January 29, 2015, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 80** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Enacting the Kansas working families pay raise act.**  
 01/26/2015 Senate—Introduced—SJ 41  
 01/27/2015 Senate—Referred to Committee on Commerce—SJ 43  
 06/01/2016 Senate—Died in Committee
- S 81** Bill by Ways and Means  
**Appropriation revisions and supplementals for FY 2015 and FY 2016 for various state agencies.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Ways and Means—SJ 47  
 01/28/2015 Senate—Hearing: Wednesday, January 28, 2015, 10:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 83** Bill by Commerce  
**Distance prohibitions and spacing requirements for wells.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Utilities—SJ 47  
 06/01/2016 Senate—Died in Committee
- S 85** Bill by Federal and State Affairs  
**Length of regular legislative session in odd-numbered years.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 47  
 06/01/2016 Senate—Died in Committee
- S 86** Bill by Federal and State Affairs  
**Kansas transparency act.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Ethics and Elections—SJ 50  
 01/29/2015 Senate—Withdrawn from Committee on Ethics and Elections; Referred to Committee on Federal and State Affairs—SJ 50  
 02/06/2015 Senate—Hearing: Wednesday, February 11, 2015, 10:30 AM Room 144-S  
 02/25/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 179  
 03/19/2015 Senate—Committee of the Whole - Be passed—SJ 297  
 03/19/2015 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 302  
 03/20/2015 House—Received and Introduced—HJ 477  
 03/23/2015 House—Referred to Committee on Judiciary—HJ 486  
 06/01/2016 House—Died in House Committee
- S 87** Bill by Federal and State Affairs  
**Secretary of State; political action committees prohibited.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Ethics and Elections—SJ 47  
 06/01/2016 Senate—Died in Committee

- S 88** Bill by Federal and State Affairs  
**Law enforcement officers; training requirements; mentally ill persons.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—  
 SJ 47  
 06/01/2016 Senate—Died in Committee
- S 92** Bill by Federal and State Affairs  
**Legislators compensation; per diem pay limited.**  
 01/27/2015 Senate—Introduced—SJ 43  
 01/28/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 47  
 06/01/2016 Senate—Died in Committee
- S 94** Bill by Transportation  
**Unlawful passing of a waste collector; penalties.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Transportation—SJ 50  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 96** Bill by Public Health and Welfare  
**Kansas disclosure of unanticipated medical outcomes and medical errors act.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Judiciary—SJ 50  
 01/21/2016 Senate—Hearing: Tuesday, January 26, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 97** Bill by Natural Resources  
**Allowing contact with certain regulated animals.**  
 01/28/2015 Senate—Introduced—SJ 45  
 01/29/2015 Senate—Referred to Committee on Natural Resources—SJ 50  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 8:30 AM Room 159-S  
 02/12/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Natural Resources—SJ 109  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ  
 206  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 23 Nay: 17  
 —SJ 213  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources  
 —HJ 328  
 03/03/2016 House—Hearing: Tuesday, March 08, 2016, 3:30 PM Room 346-S  
 03/10/2016 House—Committee Report recommending bill be passed as amended  
 by Committee on Agriculture and Natural Resources—HJ 2230  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 98** Bill by Senator LaTurner  
**Open records, charges limited; open meetings; minutes required.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 50  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 144-S  
 02/25/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 180  
 03/19/2015 Senate—Committee of the Whole - Be passed as amended—SJ 298

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 302
- 03/23/2015 House—Received and Introduced—HJ 486
- 03/24/2015 House—Referred to Committee on Judiciary—HJ 500
- 06/01/2016 House—Died in House Committee
- S 99** Bill by Federal and State Affairs  
**Substitute for SB 99 by Committee on Transportation -Relating to height and length of vehicles and loads and exceptions to maximums.**
- 01/28/2015 Senate—Introduced—SJ 46
- 01/29/2015 Senate—Referred to Committee on Transportation—SJ 50
- 01/21/2016 Senate—Hearing: Tuesday, January 26, 2016, 8:30 AM Room 546-S
- 02/02/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 1800
- 02/09/2016 Senate—Committee of the Whole - Substitute bill be passed—SJ 1833
- 02/10/2016 Senate—Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 1842
- 02/11/2016 House—Received and Introduced—HJ 2041
- 02/12/2016 House—Referred to Committee on Transportation—HJ 2046
- 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 582-N
- 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 2327
- 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2351
- 03/22/2016 House—Final Action - Substitute passed as amended; Yea: 125 Nay: 0—HJ 2369
- 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 2177
- 03/23/2016 House—Motion to accede adopted Representative Proehl, Representative Ryckman Sr. and Representative Lusker appointed as conferees—HJ 2398
- 03/24/2016 Senate—Concurrent with amendments in conference; Yea: 40 Nay: 0—SJ 2224
- 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239
- 04/27/2016 Senate—Approved by Governor on Wednesday, April 06, 2016—SJ 2237
- S 100** Bill by Financial Institutions and Insurance  
**Amending certain provisions of the UCCC relating to consumer loan definition and certain finance charges.**
- 01/28/2015 Senate—Introduced—SJ 46
- 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 50
- 06/01/2016 Senate—Died in Committee
- S 102** Bill by Financial Institutions and Insurance  
**Access to opioid analgesics with abuse-deterrent properties.**
- 01/28/2015 Senate—Introduced—SJ 46
- 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 50
- 06/01/2016 Senate—Died in Committee

- S 103** Bill by Financial Institutions and Insurance  
**Substitute for SB 103 by Committee on Financial Institutions and Insurance - Pharmacy benefit managers limitation on activities.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 50  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 546-S  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 9:30 AM Room 548-S  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 9:30 AM Room 546-S  
 02/18/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Financial Institutions and Insurance—SJ 1914  
 02/22/2016 Senate—Committee of the Whole - Substitute bill be passed—SJ 1942  
 02/23/2016 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 1951  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2191  
 03/07/2016 House—Hearing: Wednesday, March 09, 2016, 3:30 PM Room 218-N  
 03/11/2016 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance and Financial Institutions—HJ 2253  
 03/16/2016 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 2280  
 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138  
 03/24/2016 Senate—Approved by Governor on Wednesday, March 23, 2016—SJ 2196
- S 104** Bill by Judiciary  
**Courts; use of two-way electronic audio-visual communication.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Judiciary—SJ 50  
 02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
 02/20/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 144  
 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 106** Bill by Commerce  
**House Substitute for SB 106 by Committee on Commerce, Labor and Economic Development-Enacting the alternative crop research act.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Commerce—SJ 50  
 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 548-S  
 02/17/2015 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 124  
 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158  
 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 177  
 02/26/2015 House—Received and Introduced—HJ 307  
 03/04/2015 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 324  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 1:30 PM Room 346-S  
 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2307  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- S 107** Bill by Commerce  
**Public entities expenditures for energy projects intended to reduce energy costs.**  
 01/28/2015 Senate—Introduced—SJ 46  
 01/29/2015 Senate—Referred to Committee on Commerce—SJ 50  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 110** Bill by Senators Olson, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Holmes, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Tyson, Wilborn, Wolf  
**Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 51  
 06/01/2016 Senate—Died in Committee
- S 111** Bill by Corrections and Juvenile Justice  
**Correctional supervision fee; correctional supervision fund.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 51  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 114** Bill by Judiciary  
**Birth certificate amendments; charge for non-judicial personnel.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 115** Bill by Federal and State Affairs  
**Saving communities amendments to the personal and family protection act.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 51  
 06/01/2016 Senate—Died in Committee
- S 116** Bill by Federal and State Affairs  
**Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Judiciary—SJ 51  
 06/01/2016 Senate—Died in Committee
- S 117** Bill by Financial Institutions and Insurance  
**House Substitute for SB 117 by Committee on Insurance - Regulation of transportation network company services.**  
 01/29/2015 Senate—Introduced—SJ 49  
 01/30/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 51  
 01/30/2015 Senate—Hearing: Wednesday, February 04, 2015, 9:30 AM Room 546-S

- 02/11/2015 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 102
- 02/24/2015 Senate—Committee of the Whole - Be passed—SJ 158
- 02/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 177
- 02/26/2015 House—Received and Introduced—HJ 307
- 03/04/2015 House—Referred to Committee on Insurance—HJ 324
- 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 152S
- 03/19/2015 House—Withdrawn from Committee on Insurance; Referred to Committee on Taxation—HJ 423
- 03/20/2015 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Insurance—HJ 477
- 03/24/2015 House—Committee Report recommending substitute bill be passed by Committee on Insurance—HJ 514
- 03/25/2015 House—Committee of the Whole - Motion to refer to Committee on Appropriations failed. Committee on Appropriations—HJ 547
- 03/25/2015 House—Committee of the Whole - Substitute bill be passed as amended—HJ 547
- 03/25/2015 House—Emergency Final Action - Substitute passed as amended; Yea: 105 Nay: 19—HJ 557
- 03/30/2015 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Bowers and Senator Hawk as conferees—SJ 414
- 03/30/2015 House—Motion to accede adopted; Representative Schwab, Representative Bruchman and Representative Houston appointed as conferees—HJ 566
- 04/02/2015 House—Conference Committee Report was adopted; Yea: 107 Nay: 16—HJ 591
- 04/02/2015 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 2—SJ 460
- 04/29/2015 Senate—Enrolled and presented to Governor on Friday, April 10, 2015—SJ 526
- 04/29/2015 Senate—Vetoed by Governor; Returned to Senate on Monday, April 20, 2015
- 05/05/2015 Senate—Motion to override veto prevailed; Yea: 34 Nay: 5—SJ 550
- 05/05/2015 House—Motion to override veto prevailed; Yea: 96 Nay: 25—HJ 703
- S 118** Bill by Natural Resources  
**Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Natural Resources—SJ 51
- 02/02/2015 Senate—Hearing: Thursday, February 05, 2015, 8:30 AM Room 159-S
- S 119** 06/01/2016 Senate—Died in Committee  
 Bill by Natural Resources  
**Excepting certain persons from the chemigation permit requirements.**
- 01/29/2015 Senate—Introduced—SJ 49
- 01/30/2015 Senate—Referred to Committee on Agriculture—SJ 51
- 06/01/2016 Senate—Died in Committee

- S 121** Bill by Public Health and Welfare  
**Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; members and meetings.**  
 01/30/2015 Senate—Introduced—SJ 51  
 02/02/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 54  
 02/13/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 112  
 02/25/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 183  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 30 Nay: 10—SJ 192  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 546S  
 06/01/2016 House—Died in House Committee
- S 122** Bill by Public Health and Welfare  
**Hospital facility fees.**  
 01/30/2015 Senate—Introduced—SJ 51  
 02/02/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 54  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 1:30 PM Room 118-N  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 125** Bill by Natural Resources  
**House Substitute for SB 125 by Committee on Agriculture and Natural Resources - Amending the Kansas pet animal act.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Natural Resources—SJ 57  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 137  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 183  
 02/26/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Agriculture and Natural Resources—HJ 328  
 03/09/2015 House—Hearing: Wednesday, March 11, 2015, 3:30 PM Room 346S  
 03/17/2016 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 2292  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 128** Bill by Corrections and Juvenile Justice  
**House Substitute for SB 128 by Committee on Judiciary – Courts; attorney licensure; selection and appointment of judges and justices; supreme court nominating commission and district judicial nominating commissions; applicability of open meetings act and open records act.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57  
 02/06/2015 Senate—Hearing: Thursday, February 12, 2015, 9:30 AM Room 118-N  
 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 137

- 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 214  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 112N  
 02/19/2016 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2104  
 03/08/2016 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2208  
 03/09/2016 House—Final Action - Substitute passed as amended; Yea: 108 Nay: 14—HJ 2218  
 03/09/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2027  
 03/10/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2226  
 04/28/2016 House—Conference Committee Report agree to disagree adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as second conferees—HJ 2507  
 04/29/2016 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Haley appointed as second conferees—SJ 2268  
 04/30/2016 House—Conference Committee Report not adopted; Yea: 56 Nay: 57—HJ 2724  
 04/30/2016 House—Motion to Reconsider Adopted—HJ 2752  
 04/30/2016 House—Conference Committee Report not adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as third conferees—HJ 2752  
 04/30/2016 Senate—Motion to accede adopted; Senator King, Senator Smith and Senator Haley appointed as third conferees—SJ 2504  
 04/30/2016 House—Conference Committee Report was adopted; Yea: 72 Nay: 50—HJ 2851  
 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 3—SJ 2701  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053  
 06/01/2016 Senate—Approved by Governor on Monday, May 16, 2016—SJ 3047
- S 129**  
 Bill by Corrections and Juvenile Justice  
**Reports of abuse or neglect concerning children and certain adults.**  
 02/02/2015 Senate—Introduced—SJ 53  
 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57
- S 130**  
 06/01/2016 Senate—Died in Committee  
 Bill by Financial Institutions and Insurance  
**Establishing a new type of installment loan.**  
 02/02/2015 Senate—Introduced—SJ 54

- 02/03/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 57
- S 131 06/01/2016 Senate—Died in Committee  
Bill by Federal and State Affairs  
**Substitute for SB 131 by Committee on Corrections and Juvenile Justice - Relating to peer support counseling sessions; confidentiality of communications.**
- 02/02/2015 Senate—Introduced—SJ 54
- 02/03/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 57
- 02/26/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—SJ 194
- 03/10/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 238
- 03/11/2015 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 244
- 03/12/2015 House—Received and Introduced—HJ 347
- 03/13/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 363
- 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 152S
- 03/20/2015 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 481
- S 132 06/01/2016 House—Died on House Calendar  
Bill by Federal and State Affairs  
**Amending statutes concerning dangerous regulated animals.**
- 02/02/2015 Senate—Introduced—SJ 54
- 02/03/2015 Senate—Referred to Committee on Natural Resources—SJ 57
- S 133 06/01/2016 Senate—Died in Committee  
Bill by Judiciary  
**Possession or consumption of alcoholic beverage by minor; immunity from criminal prosecution for minor seeking medical assistance.**
- 02/02/2015 Senate—Introduced—SJ 54
- 02/03/2015 Senate—Referred to Committee on Judiciary—SJ 57
- 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 346-S
- 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 152
- 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 221
- 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 229
- 03/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 386
- 03/25/2015 Senate—Emergency Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 406
- 03/30/2015 House—Received and Introduced—HJ 565
- 03/31/2015 House—Referred to Committee on Judiciary—HJ 568
- 02/01/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1974
- 02/04/2016 House—Committee of the Whole - Be passed as amended—HJ 1994
- 02/05/2016 House—Final Action - Passed as amended; Yea: 92 Nay: 27—HJ 2001
- 02/10/2016 Senate—Concurred with amendments; Yea: 36 Nay: 3—SJ 1841
- 02/15/2016 Senate—Enrolled and presented to Governor on Monday, February 15, 2016—SJ 1873

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/02/2016 Senate—Approved by Governor on Tuesday, February 23, 2016—SJ 1969
- S 134** Bill by Agriculture  
**Amendments to the Kansas noxious weed law.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Agriculture—SJ 57  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 135** Bill by Senator Love  
**Option to exempt aviation fuel from city sales tax.**  
 02/02/2015 Senate—Introduced—SJ 54  
 02/03/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 57  
 06/01/2016 Senate—Died in Committee
- S 136** Bill by Education  
**House Substitute for SB 136 by Committee on Education - Eliminating due process for certain postsecondary teachers.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Education—SJ 60  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 1:30 PM Room 144-S  
 02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 179  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 207  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 215  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328  
 03/10/2016 House—Hearing: Friday, March 11, 2016, 1:30 PM Room 112-N  
 03/14/2016 House—Hearing: Monday, March 14, 2016, 1:30 PM Room 112-N  
 03/15/2016 House—Committee Report recommending substitute bill be passed by Committee on Education—HJ 2274  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 137** Bill by Education  
**Education; amendments to the school district finance and quality performance act; the virtual school act; the student data privacy act; and the tax credit for low income student scholarship program act.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Ways and Means—SJ 60  
 06/01/2016 Senate—Died in Committee
- S 138** Bill by Ways and Means  
**Prohibiting the secretary of health and environment from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Natural Resources—SJ 60  
 06/01/2016 Senate—Died in Committee
- S 139** Bill by Transportation  
**Mayor Ken Bernard memorial highway.**  
 02/03/2015 Senate—Introduced—SJ 56  
 02/04/2015 Senate—Referred to Committee on Transportation—SJ 60

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 8:30 AM Room 546-S  
06/01/2016 Senate—Died in Committee
- S 140** Bill by Judiciary  
**Relating to the forfeiture of appearance bonds.**  
02/03/2015 Senate—Introduced—SJ 56  
02/04/2015 Senate—Referred to Committee on Judiciary—SJ 60  
02/13/2015 Senate—Hearing: Monday, February 16, 2015, 10:30 AM Room 346-S  
02/23/2015 Senate—Committee Report recommending bill be passed as amended  
by Committee on Judiciary—SJ 153  
02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 141** Bill by Public Health and Welfare  
**Podiatrists; supervising a physician assistant and advanced practice registered nurse.**  
02/03/2015 Senate—Introduced—SJ 56  
02/04/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 60  
02/13/2015 Senate—Hearing: Monday, February 16, 2015, 1:30 PM Room 118-N  
02/26/2015 Senate—Withdrawn from Committee on Public Health and Welfare;  
Referred to Committee on Federal and State Affairs—SJ 221  
03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
Rereferred to Committee on Public Health and Welfare—SJ 228  
06/01/2016 Senate—Died in Committee
- S 143** Bill by Financial Institutions and Insurance  
**Allowing the assignment of dental insurance benefits.**  
02/04/2015 Senate—Introduced—SJ 59  
02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
—SJ 78  
06/01/2016 Senate—Died in Committee
- S 144** Bill by Financial Institutions and Insurance  
**Affidavit requirement of surplus lines broken changed to signed statement.**  
02/04/2015 Senate—Introduced—SJ 60  
02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
—SJ 78  
02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S  
06/01/2016 Senate—Died in Committee
- S 145** Bill by Financial Institutions and Insurance  
**Nonadmitted insurers authorized to write excess coverage on Kansas risks.**  
02/04/2015 Senate—Introduced—SJ 60  
02/05/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
—SJ 78  
02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S  
06/01/2016 Senate—Died in Committee
- S 146** Bill by Judiciary  
**Racial profiling data collection and reporting requirements.**  
02/04/2015 Senate—Introduced—SJ 60  
02/05/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—  
SJ 78  
06/01/2016 Senate—Died in Committee
- S 147** Bill by Judiciary  
**Authorizing hemp treatments for seizure disorders.**  
02/04/2015 Senate—Introduced—SJ 60

02/05/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 78

02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 9:30 AM Room 118-N

01/27/2016 Senate—Committee Report without recommendation by Committee on Corrections and Juvenile Justice—SJ 1785

01/27/2016 Senate—Withdrawn from Calendar; Referred to Committee on Public Health and Welfare—SJ 1786

06/01/2016 Senate—Died in Committee

**S 149** Bill by Judiciary

**House Substitute for SB 149 by Committee on Taxation -- Taxation; relating to income tax returns and instructions, use tax remittance, checkoff for schools; credits, angel investment tax credit; community improvement district sales tax administration fund; electronic cigarettes; sales tax exemptions, Gove county healthcare endowment foundation, inc. and personal property purchased to rebuild or repair certain fences.**

02/04/2015 Senate—Introduced—SJ 60

02/05/2015 Senate—Referred to Committee on Judiciary—SJ 78

02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room 346-S

02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163

02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 194

02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 215

03/04/2015 House—Received and Introduced—HJ 325

03/05/2015 House—Referred to Committee on Judiciary—HJ 328

03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N

03/23/2015 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 487

03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560

03/18/2016 House—Committee Report recommending bill be passed by Committee on Taxation Committee on Taxation—HJ 2326

03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2347

03/22/2016 House—Final Action - Substitute passed; Yea: 122 Nay: 3—HJ 2370

03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 2177

03/23/2016 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as conferees—HJ 2399

04/30/2016 House—Conference Committee Report was adopted; Yea: 100 Nay: 21—HJ 2764

04/30/2016 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 5—SJ 2632

06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016—SJ 3053

06/01/2016 Senate—Approved by Governor on Wednesday, May 11, 2016—SJ 3047

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- S 151** Bill by Utilities  
**Electric utilities and carbon dioxide emissions.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Utilities—SJ 78  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 548-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Utilities—SJ 167  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Federal  
 and State Affairs—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Utilities—SJ 228  
 06/01/2016 Senate—Died in Committee
- S 152** Bill by Federal and State Affairs  
**Alcoholic liquor; dispensing liquor and infusing flavor.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 78  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room  
 144-S  
 06/01/2016 Senate—Died in Committee
- S 153** Bill by Federal and State Affairs  
**Exempting public libraries from certain provisions of the personal and family  
 protection act.**  
 02/04/2015 Senate—Introduced—SJ 60  
 02/05/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 78  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 155** Bill by Financial Institutions and Insurance  
**Substitute for SB 155 by Committee on Financial Institutions and Insurance –  
 Amending certain requirements, definitions and gross tax on  
 premiums of surplus lines insurance; repealing SLIMPACT.**  
 02/05/2015 Senate—Introduced—SJ 77  
 02/06/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 86  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 9:30 AM Room 546-S  
 02/12/2015 Senate—Committee Report recommending substitute bill be passed by  
 Committee on Financial Institutions and Insurance—SJ 107  
 02/26/2015 Senate—Withdrawn from Calendar; Referred to Committee on Ways  
 and Means—SJ 221  
 03/05/2015 Senate—Withdrawn from Committee on Ways and Means and referred  
 to Committee of the Whole—SJ 229  
 03/18/2015 Senate—Committee of the Whole - Substitute bill be passed—SJ 292  
 03/19/2015 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 295  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Financial Institutions—HJ 500  
 03/31/2015 House—Withdrawn from Committee on Financial Institutions; Referred  
 to Committee on Insurance—HJ 572  
 01/11/2016 House—Withdrawn from Committee on Insurance; Referred to  
 Committee on Insurance and Financial Institutions—HJ 1915  
 06/01/2016 House—Died in House Committee

- S 158** Bill by Judiciary  
**Establishing a CARE family program for foster care.**  
 02/05/2015 Senate—Introduced—SJ 77  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/09/2015 Senate—Hearing: Thursday, February 12, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 159** Bill by Judiciary  
**House Substitute for SB 159 by Committee on Judiciary – Enacting the host families act, relating to temporary care for children.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 346-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 30 Nay: 4—SJ 216  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 112N  
 02/16/2016 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2065  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 160** Bill by Judiciary  
**Requiring action by a court regarding termination of parental rights in a child in need of care case.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 161** Bill by Ways and Means  
**House Substitute for SB161 by Committee on Appropriations - Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ways and Means—SJ 86  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 548-S  
 02/10/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 97  
 02/16/2015 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 114  
 03/18/2015 Senate—Committee of the Whole - Be passed—SJ 292  
 03/19/2015 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 295  
 03/20/2015 House—Received and Introduced—HJ 477  
 03/23/2015 House—Referred to Committee on Appropriations—HJ 486  
 03/30/2015 House—Hearing: Tuesday, March 31, 2015, 9:00 AM Room 112-N  
 02/08/2016 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 2009

- 02/10/2016 House—Committee of the Whole - Amendment by Rep. Ward ruled out of order under Pay-Go provisions of House Rule 2110. Rep. Ward challenged the ruling of the chair. Ruling was sustained. Yea: 85 Nay: 37—HJ 2028
- 02/10/2016 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2033
- 02/11/2016 House—Motion to Reconsider Failed—HJ 2041
- 02/11/2016 House—Final Action - Substitute passed as amended; Yea: 68 Nay: 56—HJ 2041
- 02/11/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 1863
- 02/15/2016 House—Motion to accede adopted; Representative Ryckman, Representative Schwartz and Representative Henry appointed as conferees—HJ 2053
- 02/16/2016 House—Conference committee report - agree to disagree now available.
- 02/16/2016 House—Conference Committee Report agree to disagree adopted; Representative Ryckman, Representative Schwartz and Representative Henry appointed as second conferees—HJ 2066
- 02/16/2016 Senate—Conference Committee Report agree to disagree adopted; Senator Masterson, Senator Denning and Senator Kelly appointed as second conferees—SJ 1876
- 02/17/2016 House—Conference Committee Report was adopted; Yea: 68 Nay: 54—HJ 2080
- 02/17/2016 Senate—Conference Committee Report was adopted; Yea: 22 Nay: 16—SJ 1894
- 02/23/2016 Senate—Enrolled and presented to Governor on Tuesday, February 23, 2016—SJ 1967
- 03/07/2016 Senate—Approved by Governor except line item veto of Sections 35(g), 36(f), 48(o) on Friday, March 04, 2016—SJ 2017
- 03/15/2016 Senate—Motion to override line item veto prevailed; Line item veto Sections 35(g) and 36(f) overridden; Yea: 30 Nay: 8—SJ 2061
- 03/15/2016 Senate—No motion to reconsider line item veto of section 48(o), Veto sustained—SJ 2062
- 03/23/2016 House—Motion to override line item veto failed; Line item veto 35(g) 36(f) sustained; Yea: 24 Nay: 97—HJ 2404
- S 162** Bill by Ways and Means  
**Joint revenue estimates, move April 20 date to May 4.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ways and Means—SJ 86  
 02/06/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 548-S  
 02/10/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 97  
 02/23/2015 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 150  
 06/01/2016 Senate—Died in Committee
- S 163** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.**

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Ethics and Elections—SJ 86  
 06/01/2016 Senate—Died in Committee
- S 164** Bill by Transportation  
**Requiring two employees for train operation.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Transportation—SJ 86  
 02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 8:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 165** Bill by Ethics and Elections  
**Open meetings, statements required regarding a closed or executive meeting; amending K.S.A. 75-4319.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Judiciary—SJ 86  
 06/01/2016 Senate—Died in Committee
- S 166** Bill by Federal and State Affairs  
**Rule of law restoration act; immigration.**  
 02/05/2015 Senate—Introduced—SJ 78  
 02/06/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 86  
 06/01/2016 Senate—Died in Committee
- S 167** Bill by Commerce  
**Workers compensation use of American medical association guides to the evaluation of permanent impairment.**  
 02/06/2015 Senate—Introduced—SJ 85  
 02/09/2015 Senate—Referred to Committee on Commerce—SJ 90  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 168** Bill by Senate Select on KPERS  
**House Substitute for SB 168 by Committee on Pensions and Benefits – Providing certain provisions relating to working after retirement; death and disability contributions moratorium; KPERS act of 2015; Kansas deferred retirement option program act; Kansas public employees deferred compensation act.**  
 02/06/2015 Senate—Introduced Senate Select Committee on KPERS—SJ 85  
 02/09/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 90  
 02/09/2015 Senate—Hearing: Tuesday, February 10, 2015, 10:30 AM Room 118-N  
 02/18/2015 Senate—Committee Report recommending bill be passed as amended by Senate Select Committee on KPERS—SJ 127  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 21 Nay: 17—SJ 216  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Pensions and Benefits—HJ 328  
 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Pensions and Benefits—HJ 2326  
 03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2344  
 03/22/2016 House—Final Action - Substitute passed; Yea: 125 Nay: 0—HJ 2370

- 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2177
- 03/23/2016 House—Motion to accede adopted; Representative Johnson, Representative Thompson and Representative Trimmer appointed as conferees—HJ 2399
- 03/23/2016 Senate—Senator Longbine replaces Senator Smith on the Conference Committee—SJ 2183
- 03/23/2016 Senate—Senator Hensley replaces Senator Haley on the Conference Committee—SJ 2183
- 04/29/2016 House—Conference Committee Report was adopted; Yea: 117 Nay: 1—HJ 2687
- 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 4—SJ 2471
- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Tuesday, May 10, 2016—SJ 3047
- S 169** Bill by Agriculture  
**Making the channel cat fish the official fish of the state of Kansas.**  
 02/06/2015 Senate—Introduced—SJ 85  
 02/09/2015 Senate—Referred to Committee on Natural Resources—SJ 90  
 02/17/2015 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Agriculture—SJ 123
- S 171** Bill by Ethics and Elections  
**Substitute for SB 171 by Committee on Ethics and Elections - Municipal elections; nonpartisan; fall odd-numbered years.**  
 02/09/2015 Senate—Introduced—SJ 89  
 02/10/2015 Senate—Referred to Committee on Ethics and Elections—SJ 94  
 02/20/2015 Senate—Committee Report recommending substitute bill be passed by Committee on Ethics and Elections—SJ 143  
 02/26/2015 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 204  
 02/26/2015 Senate—Emergency Final Action - Substitute passed as amended; Yea: 21 Nay: 18—SJ 217  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Elections—HJ 328  
 03/06/2015 House—Hearing: Wednesday, March 11, 2015, 1:00 PM Room 218-N  
 03/19/2015 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 459  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560
- 06/01/2016 House—Died in House Committee
- S 172** Bill by Public Health and Welfare  
**Enacting the patient right to shop act**  
 02/09/2015 Senate—Introduced—SJ 90  
 02/10/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 94  
 06/01/2016 Senate—Died in Committee

- S 173** Bill by Transportation  
**Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Transportation—SJ 100  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 8:30 AM Room 546-S  
 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 8:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 174** Bill by Transportation  
**Manufacture and issuance of license plates, fees.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Transportation—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 8:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 175** Bill by Ways and Means  
**Exercise of religious freedom by postsecondary education student associations.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 03/06/2015 Senate—Hearing: Monday, March 09, 2015, 10:30 AM Room 346-S  
 03/11/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 245  
 03/19/2015 Senate—Committee of the Whole - Be passed—SJ 297  
 03/19/2015 Senate—Emergency Final Action - Passed; Yea: 30 Nay: 8—SJ 302  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Federal and State Affairs—HJ 500  
 03/25/2015 House—Hearing: Monday, March 30, 2015, 9:00 AM Room 346-S  
 04/02/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 595  
 03/15/2016 House—Committee of the Whole - Motion to refer to committee failed  
 Yea: 45 Nay: 74 Committee on Judiciary—HJ 2272  
 03/15/2016 House—Committee of the Whole - Be passed Yea: 80 Nay: 39—HJ 2273  
 03/16/2016 House—Final Action - Passed; Yea: 81 Nay: 41—HJ 2280  
 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138  
 03/23/2016 Senate—Approved by Governor on Tuesday, March 22, 2016—SJ 2183
- S 176** Bill by Ways and Means  
**Limiting negotiations under the professional negotiations act.**  
 02/10/2015 Senate—Introduced—SJ 92  
 02/11/2015 Senate—Referred to Committee on Education—SJ 100  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 1:30 PM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 177** Bill by Senator Hensley  
**Voter ID; voter registration; denial for lack of proof of citizenship.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Ethics and Elections—SJ 100  
 06/01/2016 Senate—Died in Committee

- S 178** Bill by Ways and Means  
**Valuation of agricultural land.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 100  
 06/01/2016 Senate—Died in Committee
- S 179** Bill by Ways and Means  
**Limiting negotiations under the public employer-employee relations act.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Commerce—SJ 100  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 8:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 180** Bill by Public Health and Welfare  
**Health maintenance organizations and medicare provider organizations; privilege fees.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 218  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/05/2015 House—Hearing: Wednesday, March 04, 2015, 1:30 PM Room 546S  
 03/05/2015 House—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 546S  
 06/01/2016 House—Died in House Committee
- S 181** Bill by Public Health and Welfare  
**Medicaid; restrictions of prescription-only drugs.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 164  
 02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 210  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 218  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Health and Human Services—HJ 328  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 1:30 PM Room 546S  
 06/01/2016 House—Died in House Committee
- S 182** Bill by Public Health and Welfare  
**Substitute for SB182 by Committee on Public Health and Welfare - Department of health and environment; inspector general.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 100

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 1:30 PM Room 118-N  
 02/19/2015 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 138  
 02/03/2016 Senate—Committee of the Whole - Substitute bill be passed as amended  
 02/03/2016 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1813  
 02/04/2016 House—Received and Introduced  
 02/05/2016 House—Referred to Committee on Health and Human Services—HJ 2000  
 06/01/2016 House—Died in House Committee
- S 185** Bill by Judiciary  
**Sexually violent predators; reimbursement for costs incurred by counties.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 186** Bill by Assessment and Taxation  
**Regulation of transportation network company services.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 100  
 06/01/2016 Senate—Died in Committee
- S 187** Bill by Assessment and Taxation  
**Extending the student loan payment program and income tax credit for rural opportunity zones for six years.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 100  
 02/13/2015 Senate—Hearing: Tuesday, February 17, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 188** Bill by Assessment and Taxation  
**Publication requirements under the Kansas uniform financial accounting and reporting act.**  
 02/10/2015 Senate—Introduced—SJ 93  
 02/11/2015 Senate—Referred to Committee on Education—SJ 100  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 152  
 02/25/2015 Senate—Committee of the Whole - Be passed as amended—SJ 180  
 02/26/2015 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 193  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Education—HJ 328  
 03/20/2015 House—Hearing: Monday, March 23, 2015, 1:30 PM Room 112-N  
 03/24/2015 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 507  
 02/04/2016 House—Committee of the Whole - Be passed as amended—HJ 1994  
 02/05/2016 House—Final Action - Not passed; Yea: 58 Nay: 61—HJ 2002  
 02/08/2016 House—Motion to Reconsider Failed—HJ 2008
- S 190** Bill by Commerce  
**Allowing persons to operate sailboat after completing instruction led class.**  
 02/10/2015 Senate—Introduced—SJ 93

- 02/11/2015 Senate—Referred to Committee on Transportation—SJ 100  
 02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 546-S  
 02/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 154  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 219  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Transportation—HJ 328  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 582N  
 03/20/2015 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 481  
 03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation—HJ 560  
 06/01/2016 House—Died in House Committee
- S 191** Bill by Judiciary  
**Increasing the penalty for criminal discharge of a firearm.**  
 02/10/2015 Senate—Introduced—SJ 94  
 02/11/2015 Senate—Referred to Committee on Judiciary—SJ 100  
 02/16/2015 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Corrections and Juvenile Justice—SJ 114  
 06/01/2016 Senate—Died in Committee
- S 192** Bill by Federal and State Affairs  
**Kansas expanded lottery act; racetrack gaming changes.**  
 02/10/2015 Senate—Introduced—SJ 94  
 02/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 100  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 10:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 193** Bill by Ways and Means  
**House Substitute for SB 193 by Committee on Education - Amendments to the freedom from unsafe restraint and seclusion act.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Ways and Means—SJ 104  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 548-S  
 03/11/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 245  
 03/19/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 303  
 03/19/2015 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 11—SJ 303  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Appropriations—HJ 500  
 03/30/2015 House—Hearing: Tuesday, March 31, 2015, 9:00 AM Room 112-N  
 04/30/2015 House—Withdrawn from Committee on Appropriations; Referred to Committee on Education—HJ 658  
 05/01/2015 House—Hearing: Tuesday, May 05, 2015, 1:30 PM Room 112-N  
 05/05/2015 House—Hearing: Wednesday, May 06, 2015, 12:00 PM Room 112-N  
 02/16/2016 House—Committee Report recommending substitute bill be passed by Committee on Education—HJ 2064

- 03/09/2016 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2221
- 03/10/2016 House—Final Action - Substitute passed as amended; Yea: 90 Nay: 31—HJ 2228
- 03/15/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 2064
- 03/17/2016 House—Motion to accede adopted; Representative Highland, Representative Lunn and Representative Winn appointed as conferees—HJ 2287
- 04/30/2016 House—Representative O'Brien replaces Representative Highland on the Conference Committee—HJ 2748
- 04/30/2016 House—Representative Dove replaces Representative Lunn on the Conference Committee—HJ 2748
- 04/30/2016 House—Representative Ousley replaces Representative Winn on the Conference Committee—HJ 2748
- 04/30/2016 Senate—Senator Abrams replaces Senator Masterson on the Conference Committee—SJ 2456
- 04/30/2016 Senate—Senator Arpke replaces Senator Denning on the Conference Committee—SJ 2456
- 04/30/2016 Senate—Senator Hensley replaces Senator Kelly on the Conference Committee—SJ 2456
- 04/30/2016 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 2806
- 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2639
- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Tuesday, May 10, 2016—SJ 3047
- S 194** Bill by Corrections and Juvenile Justice  
**Creating the Kansas public school security act.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 104  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 195** Bill by Judiciary  
**Child support; reporting of arrearages to consumer credit reporting agencies; distribution of support payments.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 196** Bill by Judiciary  
**Relating to peer support counseling sessions.**  
 02/11/2015 Senate—Introduced—SJ 98  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 02/16/2015 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Corrections and Juvenile Justice—SJ 114  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 118-N

- 01/21/2016 Senate—Hearing: Tuesday, January 26, 2016, 10:30 AM Room 346-S  
06/01/2016 Senate—Died in Committee
- S 197** Bill by Judiciary  
**Applying the open meetings act to the supreme court nominating commission and judicial district nominating commissions; requiring attorneys to document eligibility to vote in the commission selection process and applying the open records act to such information; requiring certain applicant information to be made available to the public when appointing court of appeals judges.**  
02/11/2015 Senate—Introduced—SJ 98  
02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
02/13/2015 Senate—Hearing: Wednesday, February 18, 2015, 10:30 AM Room 346-S  
02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 164  
02/26/2015 Senate—Committee of the Whole - Be passed as further amended—SJ 213  
02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 4—SJ 219  
03/04/2015 House—Received and Introduced—HJ 325  
03/05/2015 House—Referred to Committee on Judiciary—HJ 328  
03/13/2015 House—Hearing: Wednesday, March 18, 2015, 3:30 PM Room 112N  
06/01/2016 House—Died in House Committee
- S 198** Bill by Judiciary  
**State directory of new hires; contractors.**  
02/11/2015 Senate—Introduced—SJ 99  
02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
02/13/2015 Senate—Hearing: Thursday, February 19, 2015, 8:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 199** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey  
**Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.**  
02/11/2015 Senate—Introduced—SJ 99  
02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
06/01/2016 Senate—Died in Committee
- S 200** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey  
**Earned income tax credit increased.**  
02/11/2015 Senate—Introduced—SJ 99  
02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
06/01/2016 Senate—Died in Committee
- S 201** Bill by Senator Hensley  
**Personal electronic media devices subject to the open records act.**  
02/11/2015 Senate—Introduced—SJ 99  
02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104  
06/01/2016 Senate—Died in Committee
- S 202** Bill by Financial Institutions and Insurance  
**Enacting a cap on patient fees for a 30-day supply of any prescription drug for certain health plans.**  
02/11/2015 Senate—Introduced—SJ 99

- 02/12/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 104
- S 203** 06/01/2016 Senate—Died in Committee  
 Bill by Federal and State Affairs  
**Cigarette and tobacco products acts, amendments; authorizing governor to enter into compacts with native american tribes.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 104  
 03/04/2015 Senate—Hearing: Thursday, March 05, 2015, 9:30 AM Room 548-S  
 03/12/2015 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Judiciary—SJ 249
- S 204** 06/01/2016 Senate—Died in Committee  
 Bill by Federal and State Affairs  
**Protecting the total amount of time for visitation granted to a person under the revised Kansas code for care of children.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Judiciary—SJ 104  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 205** Bill by Federal and State Affairs  
**Regional system of cooperating libraries; appointment board members.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104  
 06/01/2016 Senate—Died in Committee
- S 207** Bill by Federal and State Affairs  
**Prohibiting retaliation or discrimination by an employer against a parent for taking time off to attend certain court proceedings involving children.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
 06/01/2016 Senate—Died in Committee
- S 208** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
 06/01/2016 Senate—Died in Committee
- S 209** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.**  
 02/11/2015 Senate—Introduced—SJ 99  
 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
 06/01/2016 Senate—Died in Committee
- S 210** Bill by Senators Hensley, Faust-Goudeau, Hawk, Holland, Pettey  
**Requiring employment of Kansas workers for certain state contracts and tax incentives.**  
 02/11/2015 Senate—Introduced—SJ 100

- 02/12/2015 Senate—Referred to Committee on Commerce—SJ 104  
06/01/2016 Senate—Died in Committee
- S 211** Bill by Federal and State Affairs  
**Technical professions; scope of practice.**  
02/11/2015 Senate—Introduced—SJ 100  
02/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 104  
06/01/2016 Senate—Died in Committee
- S 212** Bill by Assessment and Taxation  
**Strengthening protection of public employee paychecks.**  
02/12/2015 Senate—Introduced—SJ 103  
02/13/2015 Senate—Referred to Committee on Commerce—SJ 112  
03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 213** Bill by Corrections and Juvenile Justice  
**Amendments to inherently dangerous felony list.**  
02/12/2015 Senate—Introduced—SJ 103  
02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—  
SJ 112  
02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 9:30 AM Room 118-N  
06/01/2016 Senate—Died in Committee
- S 215** Bill by Transportation  
**Motor vehicle registration, evidence of renewal.**  
02/12/2015 Senate—Introduced—SJ 103  
02/13/2015 Senate—Referred to Committee on Transportation—SJ 112  
02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 8:30 AM Room 546-S  
02/24/2015 Senate—Committee Report recommending bill be passed as amended  
by Committee on Transportation—SJ 167  
02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0  
—SJ 219  
03/04/2015 House—Received and Introduced—HJ 325  
03/05/2015 House—Referred to Committee on Transportation—HJ 328  
03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 582N  
03/23/2015 House—Committee Report recommending bill be passed as amended  
by Committee on Transportation—HJ 496  
03/25/2015 House—Withdrawn from Calendar; Referred to Committee on Taxation  
—HJ 560  
06/01/2016 House—Died in House Committee
- S 216** Bill by Federal and State Affairs  
**House Substitute for Substitute for SB 216 by Committee on Corrections and  
Juvenile Justice - Adding and amending substances included in  
schedules I, III and IV of the uniform controlled substances act.**  
02/12/2015 Senate—Introduced—SJ 103  
02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—  
SJ 112  
02/26/2015 Senate—Committee Report recommending substitute bill be passed by  
Committee on Corrections and Juvenile Justice—SJ 194  
03/10/2015 Senate—Committee of the Whole - Handwritten Motion to Amend -  
Offered by Senator Pettey

- 03/10/2015 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Pettey
- 03/10/2015 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 238
- 03/11/2015 Senate—Final Action - Substitute passed as amended; Yea: 31 Nay: 9—SJ 244
- 03/12/2015 House—Received and Introduced—HJ 347
- 03/13/2015 House—Referred to Committee on Corrections and Juvenile Justice—HJ 363
- 03/13/2015 House—Hearing: Wednesday, March 18, 2015, 1:30 PM Room 152S
- 03/18/2015 House—Hearing: Thursday, March 19, 2015, 1:30 PM Room 152-S
- 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 2307
- 06/01/2016 House—Died on House Calendar
- S 217** Bill by Agriculture  
**Allowing farm wineries to sell wine at more than one farmers' market.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 112  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 218** Bill by Ways and Means  
**Advance practice registered nurse.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 112  
 02/16/2015 Senate—Hearing: Wednesday, February 18, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 219** Bill by Judiciary  
**Relating to the reporting of abuse, neglect or exploitation of certain persons.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Judiciary—SJ 112  
 02/25/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 180  
 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 221** Bill by Judiciary  
**Allowing businesses to pass on credit surcharge to consumers.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Commerce—SJ 112  
 06/01/2016 Senate—Died in Committee
- S 222** Bill by Judiciary  
**Creating a hazard; leaving a dangerous weapon in a place accessible to children.**  
 02/12/2015 Senate—Introduced—SJ 104  
 02/13/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 112  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 9:30 AM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 223** Bill by Federal and State Affairs  
**Legislative sessions.**  
 02/12/2015 Senate—Introduced—SJ 104

- 02/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 112  
 02/20/2015 Senate—Hearing: Wednesday, February 25, 2015, 10:30 AM Room 144-S
- S 224** 06/01/2016 Senate—Died in Committee  
 Bill by Federal and State Affairs  
**Emergency medical services board authority to impose fines, investigate and issue subpoenas.**
- 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
 03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 10:30 AM Room 144-S  
 03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 270  
 03/24/2015 Senate—Committee of the Whole - Be passed—SJ 367  
 03/25/2015 Senate—Final Action - Passed; Yea: 31 Nay: 9—SJ 380  
 03/25/2015 House—Received and Introduced—HJ 560  
 03/30/2015 House—Referred to Committee on Federal and State Affairs—HJ 564  
 01/22/2016 House—Hearing: Thursday, January 28, 2016, 9:00 AM Room 346-S  
 02/12/2016 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 2047  
 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2385  
 03/23/2016 House—Final Action - Passed as amended; Yea: 93 Nay: 30—HJ 2408  
 03/24/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator LaTurner and Senator Faust-Goudeau as conferees—SJ 2234  
 04/28/2016 House—Motion to accede adopted; Representative Pauls, Representative Todd and Representative Tietze appointed as conferees—HJ 2468  
 05/01/2016 Senate—Concurred with amendments in conference; Yea: 35 Nay: 4—SJ 2756  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- S 225** 06/01/2016 Senate—Approved by Governor on Tuesday, May 10, 2016—SJ 3047  
 Bill by Federal and State Affairs  
**Interstate compact for recognition of emergency personnel licensure.**
- 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 10:30 AM Room 144-S  
 02/03/2016 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1814  
 02/09/2016 Senate—Committee of the Whole - Be passed—SJ 1833  
 02/10/2016 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1842  
 02/11/2016 House—Received and Introduced—HJ 2041  
 02/12/2016 House—Referred to Committee on Federal and State Affairs—HJ 2046  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 9:00 AM Room 346-S  
 03/17/2016 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 2298  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2347  
 03/22/2016 House—Final Action - Passed; Yea: 124 Nay: 1—HJ 2371

- 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016
- S 226** 03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016  
 Bill by Federal and State Affairs  
**Emergency medical services amendments.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
 06/01/2016 Senate—Died in Committee
- S 227** Bill by Natural Resources  
**House Substitute for SB 227 by Committee on Agriculture and Natural Resources - Enacting the contaminated property redevelopment act.**  
 02/13/2015 Senate—Introduced—SJ 111  
 02/16/2015 Senate—Referred to Committee on Natural Resources—SJ 114  
 02/17/2015 Senate—Hearing: Wednesday, February 18, 2015, 8:30 AM Room 159-S  
 02/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 138  
 02/26/2015 Senate—Committee of the Whole - Be passed as amended—SJ 195  
 02/26/2015 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 220  
 03/04/2015 House—Received and Introduced—HJ 325  
 03/05/2015 House—Referred to Committee on Energy and Environment—HJ 328  
 03/11/2015 House—Withdrawn from Committee on Energy and Environment; Referred to Committee on Agriculture and Natural Resources—HJ 344  
 03/13/2015 House—Hearing: Monday, March 16, 2015, 3:30 PM Room 346S  
 03/17/2016 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 2293  
 03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2351  
 03/22/2016 House—Final Action - Substitute passed; Yea: 101 Nay: 24—HJ 2371  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 2177  
 03/23/2016 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 2399  
 04/28/2016 House—Representative Wilson replaces Representative Victors on the Conference Committee—HJ 2481  
 04/29/2016 House—Conference Committee Report was adopted; Yea: 117 Nay: 1—HJ 2683  
 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2475  
 06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016—SJ 3053  
**S 229** 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047  
 Bill by Judiciary  
**Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.**  
 02/13/2015 Senate—Introduced—SJ 112  
 02/16/2015 Senate—Referred to Committee on Judiciary—SJ 114

- 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
06/01/2016 Senate—Died in Committee
- S 230** Bill by Judiciary  
**Increasing the fines for permitting driving in violation of certain restrictions.**  
02/13/2015 Senate—Introduced—SJ 112  
02/16/2015 Senate—Referred to Committee on Judiciary—SJ 114  
02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 346-S  
06/01/2016 Senate—Died in Committee
- S 231** Bill by Federal and State Affairs  
**Policing cooperation; Wichita and Wichita state university.**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 122  
06/01/2016 Senate—Died in Committee
- S 232** Bill by Federal and State Affairs  
**Lien filings against public officials; prohibitions; notice; criminal penalties.**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Judiciary—SJ 122  
03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 10:30 AM Room 346-S  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S  
03/19/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 312  
02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 233** Bill by Assessment and Taxation  
**Increasing rates of taxation on cigarettes, tobacco products and alcoholic beverages.**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122  
03/20/2015 Senate—Hearing: Monday, March 23, 2015, 1:00 PM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 234** Bill by Assessment and Taxation  
**Providing a tax amnesty from the payment of all penalties and interest with respect to unpaid taxes or taxes due and owing; relating to privilege, income, sales, excise and certain other taxes.**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122  
03/20/2015 Senate—Hearing: Tuesday, March 24, 2015, 1:00 PM Room 548-S  
05/08/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 594  
03/10/2016 Senate—Motion to strike from Calendar adopted—SJ 2035
- S 235** Bill by Ways and Means  
**Capital improvement projects for various state agencies**  
02/16/2015 Senate—Introduced—SJ 113  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 236** Bill by Ways and Means  
**Making appropriations for FY 16 and FY 17 for the judicial branch.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122

- 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 237** Bill by Ways and Means  
**Appropriations for FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019 for various state agencies.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Ways and Means—SJ 122  
03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 238** Bill by Assessment and Taxation  
**Homestead property tax eligibility for armed forces service-connected disability.**  
02/16/2015 Senate—Introduced—SJ 114  
02/17/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 122  
02/17/2015 Senate—Hearing: Thursday, February 19, 2015, 9:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 239** Bill by Federal and State Affairs  
**Presidential preference primary requirement repealed; recognized political parties required to select presidential nominee.**  
02/17/2015 Senate—Introduced—SJ 121  
02/18/2015 Senate—Referred to Committee on Ethics and Elections—SJ 125  
02/20/2015 Senate—Hearing: Wednesday, February 25, 2015, 9:30 AM Room 142-S  
03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 270  
03/24/2015 Senate—Committee of the Whole - Be passed as amended—SJ 370  
03/25/2015 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 381  
03/25/2015 House—Received and Introduced—HJ 560  
03/30/2015 House—Referred to Committee on Elections—HJ 564  
06/01/2016 House—Died in House Committee
- S 241** Bill by Ways and Means  
**Amending the procedure for the approval of state contracts.**  
02/17/2015 Senate—Introduced—SJ 122  
02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S  
03/23/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 325  
05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551  
05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559  
05/06/2015 House—Received and Introduced—HJ 707  
05/07/2015 House—Referred to Committee on Appropriations—HJ 720  
01/14/2016 House—Hearing: Tuesday, January 19, 2016, 9:00 AM Room 112-N  
02/15/2016 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 2054  
06/01/2016 House—Died on House Calendar
- S 242** Bill by Ways and Means  
**Adding employees of the Kansas commission on veterans affairs office to the list of safety sensitive positions for preemployment drug screening.**  
02/17/2015 Senate—Introduced—SJ 122  
02/18/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 125

01/19/2016 Senate—Hearing: Thursday, January 21, 2016, 10:30 AM Room 144-S  
 01/27/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 1786  
 02/03/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1803  
 02/03/2016 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0  
 —SJ 1813  
 02/04/2016 House—Received and Introduced—HJ 1989  
 02/05/2016 House—Referred to Committee on Federal and State Affairs—HJ 2000  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 9:00 AM Room 346-S  
 03/17/2016 House—Committee Report recommending bill be passed by Committee  
 on Federal and State Affairs—HJ 2298  
 06/01/2016 House—Died on House Calendar

S 243

Bill by Ways and Means

**State civil service board; transferred from the department of administration to  
 the office of administrative hearings.**

02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 125  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 10:30 AM Room 144-S  
 02/03/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—SJ 1814  
 02/09/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1834  
 02/10/2016 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1842  
 02/11/2016 House—Received and Introduced—HJ 2041  
 02/12/2016 House—Referred to Committee on Federal and State Affairs—HJ 2046  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 9:00 AM Room 346-S  
 03/17/2016 House—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—HJ 2298  
 06/01/2016 House—Died on House Calendar

S 244

Bill by Ways and Means

**Municipal budgets; notifications.**

02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Local Government—SJ 125  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 159-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Local Government—SJ 164  
 03/05/2015 Senate—Committee of the Whole - Be passed as further amended—SJ  
 230  
 03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233  
 03/10/2015 House—Received and Introduced—HJ 338  
 03/11/2015 House—Referred to Committee on Local Government—HJ 339  
 03/11/2015 House—Withdrawn from Committee on Local Government; Referred to  
 Committee on Commerce, Labor and Economic Development—HJ 344  
 03/18/2015 House—Withdrawn from Committee on Commerce, Labor and  
 Economic Development; Rereferred to Committee on Local Government  
 —HJ 396  
 03/18/2015 House—Hearing: Thursday, March 19, 2015, 1:30 PM Room 281-N  
 06/01/2016 House—Died in House Committee

- S 245** Bill by Ways and Means  
**House Substitute for SB 245 by Committee on Transportation - Relating to a DUI memorial signage program, establishing the Kyle Thornburg and Kylie Jobe believe act.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Transportation—SJ 125  
 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 546-S  
 03/18/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 292  
 03/24/2015 Senate—Committee of the Whole - Be passed—SJ 367  
 03/25/2015 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 381  
 03/25/2015 House—Received and Introduced—HJ 560  
 03/30/2015 House—Referred to Committee on Transportation—HJ 564  
 03/18/2016 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 2330  
 03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2344  
 03/21/2016 House—Emergency Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 2360  
 03/21/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 2158  
 03/22/2016 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Lusker appointed as conferees—HJ 2364  
 03/22/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2162  
 03/23/2016 Senate—Enrolled and presented to Governor on Wednesday, March 23, 2016—SJ 2193  
 03/23/2016 Senate—Approved by Governor on Wednesday, March 23, 2016—SJ 2183
- S 246** Bill by Ways and Means  
**Exempting certain state leases from energy audit requirements.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Utilities—SJ 126  
 03/06/2015 Senate—Hearing: Monday, March 09, 2015, 1:30 PM Room 548-S  
 03/13/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 255  
 03/18/2015 Senate—Committee of the Whole - Be passed as amended—SJ 292  
 03/19/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 296  
 03/23/2015 House—Received and Introduced—HJ 486  
 03/24/2015 House—Referred to Committee on Energy and Environment—HJ 500  
 01/20/2016 House—Hearing: Wednesday, January 27, 2016, 9:00 AM Room 582-N  
 06/01/2016 House—Died in House Committee
- S 247** Bill by Ways and Means  
**Municipal audits.**  
 02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Local Government—SJ 125  
 02/20/2015 Senate—Hearing: Monday, February 23, 2015, 9:30 AM Room 159-S  
 02/24/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Local Government—SJ 164

03/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 230  
 03/09/2015 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 233  
 03/10/2015 House—Received and Introduced—HJ 338  
 03/11/2015 House—Referred to Committee on Local Government—HJ 339  
 03/13/2015 House—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 281N  
 03/23/2015 House—Committee Report recommending bill be passed by Committee  
 on Local Government—HJ 496  
 02/16/2016 House—Committee of the Whole - Be passed—HJ 2063  
 02/17/2016 House—Final Action - Passed; Yea: 118 Nay: 4—HJ 2074  
 02/19/2016 Senate—Enrolled and presented to Governor on Friday, February 19,  
 2016—SJ 1926  
 03/02/2016 Senate—Approved by Governor on Monday, February 22, 2016—SJ  
 1969

S 248

Bill by Ways and Means

**Title X funding priorities for family planning service providers.**

02/17/2015 Senate—Introduced—SJ 122  
 02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
 02/20/2015 Senate—Hearing: Tuesday, February 24, 2015, 10:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed by Committee  
 on Ways and Means—SJ 325  
 05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551  
 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Appropriations—HJ 720  
 01/14/2016 House—Hearing: Wednesday, January 20, 2016, 9:00 AM Room 112  
 01/25/2016 House—Committee Report recommending bill be passed as amended  
 by Committee on Appropriations—HJ 1955  
 02/04/2016 House—Committee of the Whole - Be passed as amended—HJ 1994  
 02/05/2016 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 2003  
 02/09/2016 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Masterson, Senator Denning and Senator  
 Kelly as conferees—SJ 1836  
 02/15/2016 House—Motion to accede adopted; Representative Ryckman,  
 Representative Schwartz and Representative Henry appointed as conferees  
 —HJ 2053  
 04/29/2016 House—Conference Committee Report agree to disagree adopted;  
 Representative Ryckman, Representative Schwartz and Representative  
 Henry appointed as second conferees—HJ 2709  
 04/29/2016 Senate—Conference Committee Report agree to disagree adopted;  
 Senator Masterson, Senator Denning and Senator Kelly appointed as  
 second conferees—SJ 2451  
 05/01/2016 House—Conference Committee Report was adopted; Yea: 87 Nay: 34—  
 HJ 2946  
 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 32 Nay: 8—  
 SJ 2988  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016  
 —SJ 3053  
 06/01/2016 Senate—Approved by Governor on Tuesday, May 10, 2016—SJ 3047

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- S 249** Bill by Ways and Means  
**House Substitute for SB 249 - Appropriations for FY 2016, FY 2017 and FY 2018 for various state agencies; omnibus appropriation act of 2016; capital improvement projects; claims against the state.**
- 02/17/2015 Senate—Introduced—SJ 122  
02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S  
03/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 326  
05/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 559  
05/05/2015 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 559  
05/06/2015 House—Received and Introduced—HJ 707  
05/07/2015 House—Referred to Committee on Appropriations—HJ 720  
01/14/2016 House—Hearing: Tuesday, January 19, 2016, 9:00 AM Room 112-N  
03/10/2016 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 2230  
03/18/2016 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2306  
03/21/2016 House—Final Action - Substitute passed as amended; Yea: 114 Nay: 8—HJ 2340  
03/21/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 2158  
03/22/2016 House—Motion to accede adopted; Representative Ryckman, Representative Schwartz and Representative Henry appointed as conferees—HJ 2364  
04/29/2016 House—Conference Committee Report agree to disagree adopted; Representative Ryckman, Representative Schwartz and Representative Henry appointed as second conferees—HJ 2709  
04/29/2016 Senate—Conference Committee Report agree to disagree adopted; Senator Masterson, Senator Denning and Senator Kelly appointed as second conferees—SJ 2451  
05/01/2016 House—Conference Committee Report was adopted; Yea: 63 Nay: 59—HJ 3203  
05/01/2016 Senate—Conference Committee Report was adopted; Yea: 22 Nay: 18—SJ 3044  
06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053  
06/01/2016 Senate—Approved by Governor except line item veto of Sections 20(b) and 50(c) on Wednesday, May 18, 2016—SJ 3048  
06/01/2016 Senate—No motion to reconsider line item vetoes; Vetoes sustained—SJ 3050
- S 250** Bill by Ways and Means  
**Joint committee on state building construction; reports of the secretary of administration.**
- 02/17/2015 Senate—Introduced—SJ 122  
02/18/2015 Senate—Referred to Committee on Ways and Means—SJ 126  
02/20/2015 Senate—Hearing: Monday, February 23, 2015, 10:30 AM Room 548-S

- 03/23/2015 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 325
- 05/05/2015 Senate—Committee of the Whole - Be passed—SJ 551
- 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 559
- 05/06/2015 House—Received and Introduced—HJ 707
- 05/07/2015 House—Referred to Committee on Appropriations—HJ 720
- 01/14/2016 House—Hearing: Wednesday, January 20, 2016, 9:00 AM Room 112
- 01/25/2016 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 1955
- 02/23/2016 House—Committee of the Whole - Be passed as amended
- 02/23/2016 House—Emergency Final Action - Passed as amended; Yea: 121 Nay: 1—HJ 2134
- 02/23/2016 Senate—Concurred with amendments; Yea: 40 Nay: 0—SJ 1964
- 03/02/2016 Senate—Enrolled and presented to Governor on Wednesday, February 24, 2016—SJ 2009
- 03/07/2016 Senate—Vetoed by Governor; Returned to Senate on Friday, March 04, 2016—SJ 2017
- 03/10/2016 Senate—Motion to override was withdrawn
- 03/15/2016 Senate—Motion to override veto failed; Veto sustained; Yea: 26 Nay: 13—SJ 2060
- S 251** Bill by Assessment and Taxation  
**Reducing amount and limiting credit to tax liability of taxpayer of the Kansas earned income tax credit.**  
 02/18/2015 Senate—Introduced—SJ 125  
 02/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 135  
 06/01/2016 Senate—Died in Committee
- S 253** Bill by Federal and State Affairs  
**Renewable energy standards act sunset.**  
 02/18/2015 Senate—Introduced—SJ 125  
 02/19/2015 Senate—Referred to Committee on Utilities—SJ 135  
 03/06/2015 Senate—Hearing: Tuesday, March 10, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 254** Bill by Ways and Means  
**Behavioral sciences regulatory board; licensure of professions.**  
 02/19/2015 Senate—Introduced—SJ 134  
 02/20/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 140  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 118-N  
 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 1:30 PM Room 118-N  
 02/12/2016 Senate—Hearing: Monday, February 15, 2016, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 255** Bill by Federal and State Affairs  
**House Substitute for SB 255 by Committee on Judiciary-Amending court docket fees and charges.**  
 02/19/2015 Senate—Introduced—SJ 135  
 02/20/2015 Senate—Referred to Committee on Judiciary—SJ 140  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 10:30 AM Room 346-S  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 10:30 AM Room 346-S  
 03/19/2015 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 312

- 05/05/2015 Senate—Committee of the Whole - Be passed as amended—SJ 551  
 05/05/2015 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 560  
 05/06/2015 House—Received and Introduced—HJ 707  
 05/07/2015 House—Referred to Committee on Judiciary—HJ 720  
 03/11/2016 House—Committee Report recommending substitute bill be passed by  
 Committee on Judiciary—HJ 2253  
 03/18/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2306  
 03/21/2016 House—Final Action - Substitute passed; Yea: 122 Nay: 0—HJ 2341  
 03/21/2016 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator King, Senator Smith and Senator Haley as  
 conferees—SJ 2144  
 03/21/2016 House—Motion to accede adopted; Representative Barker,  
 Representative Macheers and Representative Carmichael appointed as  
 conferees—HJ 2359  
 05/01/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—  
 SJ 2757  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016  
 —SJ 3053  
 06/01/2016 Senate—Approved by Governor on Tuesday, May 10, 2016—SJ 3047  
**S 256** Bill by Federal and State Affairs  
**Kansas department for children and families; eligibility requirements for  
 public assistance.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 150  
 02/26/2015 Senate—Hearing: Thursday, March 05, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee  
**S 257** Bill by Assessment and Taxation  
**Ten-year limit on property tax exemption for renewable resources or  
 technologies.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/16/2015 Senate—Hearing: Monday, March 16, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee  
**S 258** Bill by Assessment and Taxation  
**Eliminating property tax exemption from statewide school levy for property  
 used for residential purposes to the extent of \$20,000 of its appraised  
 valuation.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee  
**S 259** Bill by Assessment and Taxation  
**Computation of amount of personal property tax on motor vehicles.**  
 02/20/2015 Senate—Introduced—SJ 139  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee

- S 260** Bill by Assessment and Taxation  
**Modifications to Kansas adjusted gross income relative to passive income for Kansas income tax purposes.**  
 02/20/2015 Senate—Introduced—SJ 140  
 02/23/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 150  
 03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 261** Bill by Assessment and Taxation  
**Imposing sales tax on sales of gas, electricity, heat and other fuel sources for production of heat and lighting for residential premises and agricultural use.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 262** Bill by Federal and State Affairs  
**Charitable gaming; regulation of bingo and raffles.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 155  
 03/06/2015 Senate—Hearing: Wednesday, March 11, 2015, 10:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 263** Bill by Assessment and Taxation  
**Providing a sales tax exemption for fresh fruit and vegetables upon adoption of necessary amendments to the streamlined sales and use tax agreement.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
 06/01/2016 Senate—Died in Committee
- S 264** Bill by Assessment and Taxation  
**Eliminating sales tax exemption for farm machinery and equipment.**  
 02/23/2015 Senate—Introduced—SJ 149  
 02/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 155  
 06/01/2016 Senate—Died in Committee
- S 265** Bill by Ways and Means  
**Designated lay caregivers act.**  
 02/24/2015 Senate—Introduced—SJ 155  
 02/25/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 172  
 06/01/2016 Senate—Died in Committee
- S 266** Bill by Federal and State Affairs  
**Redefining tenant and rental agreement under the residential landlord and tenant act.**  
 02/24/2015 Senate—Introduced—SJ 155  
 02/25/2015 Senate—Referred to Committee on Commerce—SJ 171  
 06/01/2016 Senate—Died in Committee
- S 268** Bill by Ways and Means  
**Changes to stream maintenance and obstruction requirements.**  
 02/25/2015 Senate—Introduced—SJ 171  
 02/26/2015 Senate—Referred to Committee on Natural Resources—SJ 186  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee

- S 269** Bill by Ways and Means  
**Removing eastern spotted skunks from the nongame and endangered species conservation act.**  
 02/25/2015 Senate—Introduced—SJ 171  
 02/26/2015 Senate—Referred to Committee on Natural Resources—SJ 186  
 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 271** Bill by Assessment and Taxation  
**Exception from height and length vehicle limitations for forage cutters and custom harvesters.**  
 03/05/2015 Senate—Introduced—SJ 224  
 03/06/2015 Senate—Referred to Committee on Transportation—SJ 231  
 03/09/2015 Senate—Hearing: Thursday, March 12, 2015, 8:30 AM Room 546-S  
 03/19/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 315  
 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320  
 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363  
 03/25/2015 House—Received and Introduced—HJ 523  
 03/30/2015 House—Referred to Committee on Transportation—HJ 564  
 06/01/2016 House—Died in House Committee
- S 272** Bill by Assessment and Taxation  
**Income tax deduction for net gain on the sale of Christmas trees.**  
 03/05/2015 Senate—Introduced—SJ 225  
 03/06/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 231  
 06/01/2016 Senate—Died in Committee
- S 273** Bill by Ways and Means  
**Creating the classroom learning assuring student success act; making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education.**  
 03/05/2015 Senate—Introduced—SJ 225  
 03/06/2015 Senate—Referred to Committee on Ways and Means—SJ 231  
 03/09/2015 Senate—Hearing: Tuesday, March 10, 2015, 9:00 AM Room 582-N  
 06/01/2016 Senate—Died in Committee
- S 274** Bill by Assessment and Taxation  
**Creating the seat belt safety fund; increasing the fine for adult seat belt violations; allowing persons to operate sailboat after completing instruction led class.**  
 03/09/2015 Senate—Introduced—SJ 232  
 03/10/2015 Senate—Referred to Committee on Transportation—SJ 235  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 8:30 AM Room 546-S  
 03/17/2015 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 264  
 04/01/2015 Senate—Committee of the Whole - Be passed as amended—SJ 445  
 04/02/2015 Senate—Final Action - Passed as amended; Yea: 33 Nay: 2—SJ 455  
 04/02/2015 House—Received and Introduced  
 04/29/2015 House—Referred to Committee on Transportation—HJ 608  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 582-N  
 06/01/2016 House—Died in House Committee

- S 275** Bill by Ways and Means  
**Establishing water conservation areas.**  
 03/09/2015 Senate—Introduced—SJ 232  
 03/10/2015 Senate—Referred to Committee on Natural Resources—SJ 235  
 03/16/2015 Senate—Hearing: Wednesday, March 18, 2015, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 277** Bill by Federal and State Affairs  
**Substitute for SB 277 by Committee on Federal and State Affairs - Authorizing production of hard cider by microbreweries.**  
 03/10/2015 Senate—Introduced—SJ 235  
 03/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 240  
 02/15/2016 Senate—Hearing: Tuesday, February 16, 2016, 10:30 AM Room 144-S  
 02/18/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 1913  
 02/23/2016 Senate—Committee of the Whole - Substitute bill be passed—SJ 1964  
 02/23/2016 Senate—Emergency Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 1964  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Federal and State Affairs—HJ 2191  
 06/01/2016 House—Died in House Committee
- S 278** Bill by Federal and State Affairs  
**Cowley county; official stone bridge capital of the state of Kansas.**  
 03/10/2015 Senate—Introduced—SJ 235  
 03/11/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 240  
 03/17/2015 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 263  
 03/24/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 361  
 03/24/2015 House—Received and Introduced—HJ 513  
 03/25/2015 House—Referred to Committee on Federal and State Affairs—HJ 523  
 05/15/2015 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 801  
 01/13/2016 House—Committee of the Whole - Be passed—HJ 1931  
 01/14/2016 House—Final Action - Passed; Yea: 118 Nay: 1—HJ 1933  
 01/19/2016 Senate—Enrolled and presented to Governor on Tuesday, January 19, 2016—SJ 1770  
 01/26/2016 Senate—Approved by Governor on Monday, January 25, 2016—SJ 1782
- S 279** Bill by Assessment and Taxation  
**Selection of delegates to an article V convention of the states.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 255  
 06/01/2016 Senate—Died in Committee

- S 280** Bill by Federal and State Affairs  
**House Substitute for SB 280 by Committee on Taxation - Concerning taxation; certain recreation commissions, budget, tax levy; property tax, valuation, appeals, procedure; ratio study, presentation to county commissioners; property tax exemptions; bed and breakfasts; oil and gas leases, determination of value of production, evidence; county appraisers, persons eligible; market study analysis; tax liens, extinguishment; delinquent real property taxes, interest rates, claims against the county.**
- 03/12/2015 Senate—Introduced—SJ 248
- 03/13/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 255
- 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 9:30 AM Room 548-S
- 03/18/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 268
- 03/23/2015 Senate—Committee of the Whole - Be passed as amended—SJ 320
- 03/24/2015 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 363
- 03/25/2015 House—Received and Introduced—HJ 523
- 03/30/2015 House—Referred to Committee on Taxation—HJ 564
- 03/21/2016 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 2359
- 03/22/2016 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2381
- 03/23/2016 House—Final Action - Substitute passed as amended; Yea: 123 Nay: 0—HJ 2409
- 03/24/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 2234
- 04/28/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2468
- 04/28/2016 House—Representative Kleeb replaces Representative Barker on the Conference Committee—HJ 2506
- 04/28/2016 House—Representative Suellentrop replaces Representative Macheers on the Conference Committee—HJ 2506
- 04/28/2016 House—Representative Sawyer replaces Representative Carmichael on the Conference Committee—HJ 2506
- 04/30/2016 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 2833
- 05/01/2016 Senate—Conference Committee Report not adopted; Senator Donovan, Senator Tyson and Senator Holland appointed as second conferees—SJ 2705
- 05/01/2016 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Sawyer appointed as second conferees—HJ 2934
- 05/01/2016 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 3081
- 05/01/2016 Senate—Motion to suspend Joint Rule 3(f) - 30 Minute Rule adopted—SJ 2988
- 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2992

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Vetoed by Governor; Returned to Senate on Tuesday, May 17, 2016—SJ 3047
- 06/01/2016 Senate—Motion to override veto prevailed; Yea: 39 Nay: 1—SJ 3050
- 06/01/2016 House—Motion to override veto prevailed; Yea: 120 Nay: 0—HJ 3248
- S 281** Bill by Federal and State Affairs  
**Sales tax exemption for certain mobility enhancing equipment.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 255  
 06/01/2016 Senate—Died in Committee
- S 282** Bill by Ways and Means  
**Exempting Kansas from daylight saving time.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 255  
 03/08/2016 Senate—Hearing: Thursday, March 10, 2016, 10:30 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 283** Bill by Ways and Means  
**STAR bonds; economic impact study; base year for additions of area to project districts; financing in excess of approved amounts.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/13/2015 Senate—Referred to Committee on Commerce—SJ 255  
 03/16/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 548-S  
 03/23/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 324  
 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898
- S 284** Bill by Ways and Means  
**Enacting the Kansas deferred retirement option program act.**  
 03/12/2015 Senate—Introduced—SJ 248  
 03/16/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 257  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 3:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 285** Bill by Ways and Means  
**Healing arts licensees, resident active licenses and health care records.**  
 03/13/2015 Senate—Introduced—SJ 254  
 03/16/2015 Senate—Referred to Committee on Public Health and Welfare—SJ 257  
 03/16/2015 Senate—Hearing: Tuesday, March 17, 2015, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 286** Bill by Assessment and Taxation  
**Requiring social security numbers for tax credit eligibility.**  
 03/13/2015 Senate—Introduced—SJ 255  
 03/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 257  
 06/01/2016 Senate—Died in Committee
- S 287** Bill by Assessment and Taxation  
**Making refundable income tax credits nonrefundable.**  
 03/13/2015 Senate—Introduced—SJ 255  
 03/16/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 257  
 06/01/2016 Senate—Died in Committee

- S 288** Bill by Federal and State Affairs  
**Updating endorsement codes for commercial driver's licenses.**  
 03/17/2015 Senate—Introduced—SJ 262  
 03/18/2015 Senate—Referred to Committee on Transportation—SJ 265  
 03/18/2015 Senate—Hearing: Thursday, March 19, 2015, 8:30 AM Room 546-S  
 03/19/2015 Senate—Committee Report recommending bill be passed and placed on  
 Consent Calendar by Committee on Transportation—SJ 316  
 03/24/2015 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 361  
 03/24/2015 House—Received and Introduced—HJ 513  
 03/25/2015 House—Referred to Committee on Transportation—HJ 523  
 06/01/2016 House—Died in House Committee
- S 289** Bill by Ways and Means  
**Establishing requirements and fiduciary duties for pharmacy benefits  
 managers under the state health care benefits program.**  
 03/17/2015 Senate—Introduced—SJ 262  
 03/18/2015 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 265  
 06/01/2016 Senate—Died in Committee
- S 291** Bill by Assessment and Taxation  
**Providing sales tax exemption for certain purchases by hope ranch for women  
 inc and contractors providing services thereto.**  
 03/18/2015 Senate—Introduced—SJ 265  
 03/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 291  
 06/01/2016 Senate—Died in Committee
- S 292** Bill by Ways and Means  
**Providing orders of the state board of tax appeals to be final for appeals by  
 taxpayers which are lottery gaming enterprises.**  
 03/18/2015 Senate—Introduced—SJ 265  
 03/19/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 294  
 06/01/2016 Senate—Died in Committee
- S 293** Bill by Federal and State Affairs  
**Land exchange; Pittsburg state university and Pittsburg, Kansas.**  
 03/18/2015 Senate—Introduced—SJ 265  
 03/19/2015 Senate—Referred to Committee on Ways and Means—SJ 294  
 04/29/2015 Senate—Hearing: Wednesday, April 29, 2015, 10:30 AM Room 548-S  
 04/30/2015 Senate—Committee Report recommending bill be passed by Committee  
 on Ways and Means—SJ 533  
 05/12/2015 Senate—Motion to strike from Calendar adopted—SJ 601
- S 294** Bill by Assessment and Taxation  
**Creating the education finance act of 2015; making and concerning  
 appropriations for fiscal year ending June 30, 2016, for the  
 department of education.**  
 03/19/2015 Senate—Introduced—SJ 293  
 03/20/2015 Senate—Referred separately to Committee on Education and  
 Committee on Ways and Means—SJ 317  
 03/20/2015 Senate—Hearing: Tuesday, March 24, 2015, 12:00 PM Room 582-N  
 06/01/2016 Senate—Died in Committee

- S 295** Bill by Federal and State Affairs  
**Sentence conversion for certain persons convicted of attempt to commit murder in the second degree.**  
 03/20/2015 Senate—Introduced—SJ 317  
 03/23/2015 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 319  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 9:30 AM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 296** Bill by Assessment and Taxation  
**Making the 2015 income tax rates permanent and having the tax rate reduction become effective.**  
 03/23/2015 Senate—Introduced—SJ 319  
 03/24/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 360  
 06/01/2016 Senate—Died in Committee
- S 297** Bill by Judiciary  
**Grounds for impeachment of Kansas supreme court justices.**  
 03/24/2015 Senate—Introduced—SJ 360  
 03/25/2015 Senate—Referred to Committee on Judiciary—SJ 380  
 06/01/2016 Senate—Died in Committee
- S 298** Bill by Federal and State Affairs  
**Alcoholic beverages; enacting the county option retailer's act.**  
 03/25/2015 Senate—Introduced—SJ 380  
 03/30/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 412  
 03/30/2015 Senate—Hearing: Tuesday, March 31, 2015, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 299** Bill by Assessment and Taxation  
**Providing working after retirement requirements for certain KPERS retirants who return to work with covered employers including benefit and contribution provisions while extending current sunset for teachers to July 1, 2016.**  
 03/30/2015 Senate—Introduced—SJ 412  
 03/31/2015 Senate—Referred to Senate Select Committee on KPERS—SJ 417  
 04/29/2015 Senate—Hearing: Wednesday, April 29, 2015, 1:00 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 300** Bill by Ways and Means  
**Education; amendments regarding virtual school state aid, supplemental general state aid, capital outlay state aid and capital improvement state aid.**  
 04/02/2015 Senate—Introduced—SJ 454  
 04/29/2015 Senate—Referred to Committee on Ways and Means—SJ 521  
 06/01/2016 Senate—Died in Committee
- S 301** Bill by Ways and Means  
**Reconciling amendments to certain statutes.**  
 04/30/2015 Senate—Introduced—SJ 527  
 05/01/2015 Senate—Referred to Committee on Ways and Means—SJ 534  
 05/07/2015 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 593  
 02/18/2016 Senate—Motion to strike from Calendar adopted—SJ 1898

- S 302** Bill by Assessment and Taxation  
**Statewide excise tax levy of \$3 per acre on the ownership of real property for the purpose of school finance.**  
 04/30/2015 Senate—Introduced—SJ 528  
 05/01/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 534  
 06/01/2016 Senate—Died in Committee
- S 304** Bill by Ways and Means  
**Administration of abortifacient drugs.**  
 05/11/2015 Senate—Introduced—SJ 596  
 05/12/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 599  
 05/12/2015 Senate—Hearing: Wednesday, May 13, 2015, 9:00 AM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 305** Bill by Ways and Means  
**Transferring functions of the Kansas bioscience authority to the department of commerce.**  
 05/13/2015 Senate—Introduced—SJ 604  
 05/14/2015 Senate—Referred to Committee on Ways and Means—SJ 672  
 05/19/2015 Senate—Hearing: Monday, May 18, 2015, 1:00 PM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 306** Bill by Senator Baumgardner  
**Open records act; definitions, public agency and public record.**  
 05/14/2015 Senate—Introduced—SJ 671  
 05/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 718  
 05/20/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Referred to Committee on Judiciary—SJ 761  
 06/01/2016 Senate—Died in Committee
- S 307** Bill by Ways and Means  
**Open records act; definitions, public agency and public record.**  
 05/14/2015 Senate—Introduced—SJ 672  
 05/15/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 718  
 05/20/2015 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Referred to Committee on Judiciary—SJ 761  
 06/01/2016 Senate—Died in Committee
- S 308** Bill by Assessment and Taxation  
**Legislative compensation and subsistence limited to May 22, 2015.**  
 05/20/2015 Senate—Introduced—SJ 760  
 05/21/2015 Senate—Referred to Committee on Ways and Means—SJ 763  
 06/01/2016 Senate—Died in Committee
- S 309** Bill by Ways and Means  
**Establishing a 3.5% fee for policies sold on the federally facilitated health insurance exchange.**  
 05/20/2015 Senate—Introduced—SJ 760  
 05/21/2015 Senate—Referred to Committee on Ways and Means  
 05/21/2015 Senate—Hearing: Thursday, May 21, 2015, 1:00 PM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 310** Bill by Ways and Means  
**Authorizing income tax contributions to school districts.**  
 05/30/2015 Senate—Introduced—SJ 805  
 05/31/2015 Senate—Referred to Committee on Assessment and Taxation—SJ 817  
 06/01/2016 Senate—Died in Committee

- S 311** Bill by Ways and Means  
**Transfer of administration of school finance from the state board of education to the department of administration and secretary of administration.**  
 05/31/2015 Senate—Introduced—SJ 816  
 06/01/2015 Senate—Referred to Committee on Ways and Means—SJ 904  
 06/01/2016 Senate—Died in Committee
- S 312** Bill by Legislative Post Audit Committee  
**Extending the school district efficiency audit sunset and exemption time frame.**  
 01/11/2016 Senate—Prefiled for Introduction on Tuesday, December 29, 2015  
 01/11/2016 Senate—Introduced—SJ 1752  
 01/12/2016 Senate—Referred to Committee on Education—SJ 1759  
 01/19/2016 Senate—Hearing: Thursday, January 21, 2016, 1:30 PM Room 144-S  
 02/03/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 1814  
 02/10/2016 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1841  
 02/11/2016 House—Received and Introduced—HJ 2041  
 02/12/2016 House—Referred to Committee on Education—HJ 2046  
 02/23/2016 House—Hearing: Wednesday, March 02, 2016, 1:30 PM Room 112-N  
 03/03/2016 House—Committee Report recommending bill be passed by Committee on Education—HJ 2195  
 03/09/2016 House—Committee of the Whole - Be passed—HJ 2220  
 03/10/2016 House—Final Action - Passed; Yea: 117 Nay: 4—HJ 2228  
 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138  
 03/22/2016 Senate—Approved by Governor on Monday, March 21, 2016—SJ 2162
- S 313** Bill by Legislative Post Audit Committee  
**Limiting which government officials may receive information technology audit written reports.**  
 01/11/2016 Senate—Prefiled for Introduction on Tuesday, December 29, 2015  
 01/11/2016 Senate—Introduced—SJ 1752  
 01/12/2016 Senate—Referred to Committee on Ways and Means—SJ 1759  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 10:30 AM Room 548-S  
 01/27/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 1786  
 02/03/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1812  
 02/04/2016 House—Received and Introduced—HJ 1989  
 02/05/2016 House—Referred to Committee on Veterans, Military and Homeland Security—HJ 2000  
 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 9:00 AM Room 152-S  
 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Veterans, Military and Homeland Security—HJ 2332  
 06/01/2016 House—Died on House Calendar
- S 314** Bill by Senator Kerschen  
**Extending the local food and farm task force.**  
 01/11/2016 Senate—Prefiled for Introduction on Monday, January 04, 2016  
 01/11/2016 Senate—Introduced—SJ 1752  
 01/12/2016 Senate—Referred to Committee on Agriculture—SJ 1759  
 01/21/2016 Senate—Hearing: Tuesday, January 26, 2016, 8:30 AM Room 159-S

02/16/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 1879  
 02/18/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1900  
 02/18/2016 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 1902  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Agriculture and Natural Resources—HJ 2126  
 03/17/2016 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 2293  
 03/22/2016 House—Committee of the Whole - Be passed—HJ 2381  
 03/23/2016 House—Final Action - Passed; Yea: 93 Nay: 30—HJ 2409  
 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239  
 04/27/2016 Senate—Approved by Governor on Wednesday, April 06, 2016—SJ 2237

- S 315** Bill by Senator Faust-Goudeau  
**Limiting number of foster children in a home.**  
 01/11/2016 Senate—Prefiled for Introduction on Thursday, January 07, 2016  
 01/11/2016 Senate—Introduced—SJ 1753  
 01/12/2016 Senate—Referred to Committee on Judiciary—SJ 1759  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 316** Bill by Senator LaTurner  
**Property tax lid; effective date; exemptions.**  
 01/11/2016 Senate—Prefiled for Introduction on Friday, January 08, 2016  
 01/11/2016 Senate—Introduced—SJ 1753  
 01/12/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1759  
 03/07/2016 Senate—Hearing: Tuesday, March 08, 2016, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 317** Bill by Senator Faust-Goudeau  
**Enacting the Kansas reinvestment act to assist small business and community development in low income areas.**  
 01/11/2016 Senate—Introduced—SJ 1753  
 01/12/2016 Senate—Referred to Committee on Commerce—SJ 1759  
 06/01/2016 Senate—Died in Committee
- S 318** Bill by Utilities  
**Utilities and state entities.**  
 01/12/2016 Senate—Introduced—SJ 1759  
 01/13/2016 Senate—Referred to Committee on Utilities—SJ 1762  
 01/15/2016 Senate—Hearing: Thursday, January 21, 2016, 1:30 PM Room 548-S  
 01/25/2016 Senate—Hearing: Wednesday, January 27, 2016, 1:30 PM Room 548-S  
 01/28/2016 Senate—Committee Report recommending bill be passed by Committee on Utilities—SJ 1793  
 02/11/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1848  
 02/11/2016 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 2—SJ 1862  
 02/12/2016 House—Received and Introduced—HJ 2049  
 02/15/2016 House—Referred to Committee on Utilities and Telecommunications—HJ 2053

- 02/15/2016 House—Withdrawn from Committee on Utilities and Telecommunications; Referred to Committee on Energy and Environment
- 02/15/2016 House—Hearing: Wednesday, February 17, 2016, 9:00 AM Room 582-N
- 03/09/2016 House—Committee Report recommending bill be passed as amended by Committee on Energy and Environment—HJ 2221
- 03/16/2016 House—Committee of the Whole - Be passed as amended—HJ 2282
- 03/17/2016 House—Final Action - Passed as amended; Yea: 98 Nay: 22—HJ 2289
- 03/21/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Petersen and Senator Francisco as conferees—SJ 2143
- 03/21/2016 House—Motion to accede adopted; Representative Hedke, Representative Corbet and Representative Kuether appointed as conferees—HJ 2345
- 03/24/2016 House—Conference Committee Report agree to disagree adopted; Representative Hedke, Representative Corbet and Representative Kuether appointed as second conferees—HJ 2417
- 03/24/2016 Senate—Conference Committee Report agree to disagree adopted; Senator Olson, Senator Petersen and Senator Francisco appointed as second conferees—SJ 2196
- 03/24/2016 House—Conference Committee Report was adopted; Yea: 98 Nay: 26—HJ 2427
- 04/28/2016 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2245
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047
- S 319** Bill by Judiciary  
**Civil procedure; enacting the public speech protection act; limiting certain habeas corpus actions; amending definitions in the protection from stalking act; amending article reference for venue under the small claims procedure act.**
- 01/12/2016 Senate—Introduced—SJ 1759
- 01/13/2016 Senate—Referred to Committee on Judiciary—SJ 1762
- 01/13/2016 Senate—Hearing: Thursday, January 14, 2016, 10:30 AM Room 346-S
- 01/20/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1773
- 01/28/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1791
- 01/29/2016 House—Received and Introduced—HJ 1971
- 02/01/2016 House—Referred to Committee on Judiciary—HJ 1973
- 02/05/2016 House—Hearing: Tuesday, February 09, 2016, 3:30 PM Room 112-N
- 02/12/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2047
- 03/08/2016 House—Committee of the Whole - Be passed as amended—HJ 2209
- 03/09/2016 House—Final Action - Passed as amended; Yea: 122 Nay: 0—HJ 2219
- 03/09/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2027

- 03/10/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2226
- 04/28/2016 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2507
- 04/29/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2295
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- S 320** 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047  
Bill by Judiciary  
**Repealing the nonseverability clause in 2015 House Bill No. 2005 and providing for the severability of the provisions of such bill, concerning the judicial branch.**
- 01/12/2016 Senate—Introduced—SJ 1759
- 01/13/2016 Senate—Referred to Committee on Judiciary—SJ 1762
- 01/13/2016 Senate—Hearing: Thursday, January 14, 2016, 10:30 AM Room 346-S
- 01/14/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1766
- 01/19/2016 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 1770
- S 321** 03/10/2016 Senate—Motion to strike from Calendar adopted—SJ 2035  
Bill by Judiciary  
**Eliminating conditions upon the protective filing of wills.**
- 01/12/2016 Senate—Introduced—SJ 1759
- 01/13/2016 Senate—Referred to Committee on Judiciary—SJ 1762
- 01/13/2016 Senate—Hearing: Thursday, January 14, 2016, 10:30 AM Room 346-S
- 01/20/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1773
- 01/28/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1792
- 01/29/2016 House—Received and Introduced—HJ 1971
- 02/01/2016 House—Referred to Committee on Judiciary—HJ 1973
- 02/05/2016 House—Hearing: Tuesday, February 09, 2016, 3:30 PM Room 112-N
- 02/12/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2047
- 03/08/2016 House—Committee of the Whole - Be passed as amended—HJ 2209
- 03/09/2016 House—Final Action - Passed as amended; Yea: 122 Nay: 0—HJ 2219
- 03/09/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2028
- 03/10/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2226
- 04/29/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2419
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047

- S 322** Bill by Ways and Means  
**Creating application requirement and fee to appropriate surface water that otherwise leaves the state.**  
 01/13/2016 Senate—Introduced—SJ 1761  
 01/14/2016 Senate—Referred to Committee on Natural Resources—SJ 1764  
 01/15/2016 Senate—Hearing: Wednesday, January 20, 2016, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 323** Bill by Corrections and Juvenile Justice  
**Substitute for SB 323 by Committee on Education – Providing a cap on capital improvement state aid and authorizing the state board to prioritize the allocations of capital improvement state aid; requiring school districts to provide suicide prevention and awareness training; creating a language assessment program for children who are deaf or hard of hearing.**  
 01/13/2016 Senate—Introduced—SJ 1762  
 01/14/2016 Senate—Referred to Committee on Education—SJ 1764  
 01/21/2016 Senate—Hearing: Tuesday, January 26, 2016, 1:30 PM Room 144-S  
 02/15/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Education—SJ 1873  
 02/17/2016 Senate—Committee of the Whole - Substitute bill be passed—SJ 1888  
 02/18/2016 Senate—Final Action - Substitute passed; Yea: 38 Nay: 1—SJ 1898  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Education—HJ 2126  
 03/04/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 112-N  
 03/11/2016 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 2253  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2351  
 03/22/2016 House—Final Action - Substitute passed as amended; Yea: 124 Nay: 1—HJ 2372  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Abrams, Senator Arpke and Senator Hensley as conferees—SJ 2177  
 03/23/2016 House—Motion to accede adopted; Representative Highland, Representative Lunn and Representative Winn appointed as conferees—HJ 2399  
 04/29/2016 House—Conference Committee Report was adopted; Yea: 118 Nay: 0—HJ 2676  
 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2482  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053  
 06/01/2016 Senate—Approved by Governor on Wednesday, May 11, 2016—SJ 3047
- S 324** Bill by Education  
**Winter celebration curriculum.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Education—SJ 1767  
 01/25/2016 Senate—Hearing: Thursday, January 28, 2016, 1:30 PM Room 144-S  
 06/01/2016 Senate—Died in Committee

- S 325** Bill by Corrections and Juvenile Justice  
**Amending search and seizure parameters for parole and postrelease supervision.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1767  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 9:30 AM Room 118-N  
 02/08/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Corrections and Juvenile Justice—SJ 1829  
 02/17/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1886  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2099  
 02/23/2016 House—Hearing: Thursday, March 03, 2016, 1:30 PM Room 152-S  
 03/07/2016 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 2200  
 03/11/2016 House—Committee of the Whole - Be passed as amended—HJ 2242  
 03/14/2016 House—Final Action - Passed as amended; Yea: 120 Nay: 0—HJ 2265  
 03/15/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Smith, Senator Knox and Senator Petzey as conferees—SJ 2064  
 03/17/2016 House—Motion to accede adopted; Representative Gonzalez, Representative Pauls and Representative Highberger appointed as conferees—HJ 2287  
 04/27/2016 House—Representative Finch replaces Representative Pauls on the Conference Committee—HJ 2464  
 04/28/2016 House—Representative Pauls replaces Representative Finch on the Conference Committee—HJ 2481  
 04/30/2016 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 2795  
 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2649  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053  
 06/01/2016 Senate—Approved by Governor on Tuesday, May 17, 2016—SJ 3047
- S 326** Bill by Federal and State Affairs  
**Increasing production limits for microbreweries; hard cider production; licensure residency requirements for farm wineries, microbreweries and microdistilleries.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1767  
 01/19/2016 Senate—Hearing: Thursday, January 21, 2016, 10:30 AM Room 144-S  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1913  
 02/23/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1962  
 02/23/2016 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1965  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Federal and State Affairs—HJ 2191

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/15/2016 House—Hearing: Wednesday, March 16, 2016, 9:00 AM Room 346-S  
 03/17/2016 House—Committee Report recommending bill be passed as amended  
 by Committee on Federal and State Affairs—HJ 2300  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2351  
 03/22/2016 House—Final Action - Passed as amended; Yea: 115 Nay: 10—HJ 2372  
 03/24/2016 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Ostmeyer, Senator LaTurner and Senator  
 Faust-Goudeau as conferees—SJ 2234  
 04/28/2016 House—Motion to accede adopted; Representative Pauls,  
 Representative Todd and Representative Tietze appointed as conferees—  
 HJ 2468  
 04/29/2016 House—Conference Committee Report was adopted; Yea: 111 Nay: 10  
 —HJ 2530  
 04/29/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—  
 SJ 2420  
 06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016  
 —SJ 3053  
 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047
- S 327** Bill by Judiciary  
**Allowing hearsay at preliminary hearings.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Judiciary—SJ 1767  
 01/19/2016 Senate—Hearing: Thursday, January 21, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 328** Bill by Natural Resources  
**Allowing the secretary of the Kansas department of agriculture to contain  
 chemical toxins for the protection of the public health.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Agriculture—SJ 1767  
 06/01/2016 Senate—Died in Committee
- S 329** Bill by Natural Resources  
**Clarifying approval of a change application for place of use for multi-year flex  
 accounts.**  
 01/14/2016 Senate—Introduced—SJ 1764  
 01/15/2016 Senate—Referred to Committee on Natural Resources—SJ 1767  
 01/15/2016 Senate—Hearing: Wednesday, January 20, 2016, 8:30 AM Room 159-S  
 —SJ 1767  
 02/12/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Natural Resources—SJ 1866  
 02/16/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1879  
 02/17/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1886  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Agriculture and Natural Resources  
 —HJ 2099  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 3:30 PM Room 346-S  
 03/14/2016 House—Committee Report recommending bill be passed by Committee  
 on Agriculture and Natural Resources—HJ 2266  
 03/18/2016 House—Committee of the Whole - Be passed—HJ 2306  
 03/21/2016 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2341

- 03/22/2016 Senate—Enrolled and presented to Governor on Tuesday, March 22, 2016—SJ 2179
- S 330** 03/24/2016 Senate—Approved by Governor on Thursday, March 24, 2016  
Bill by Natural Resources  
**Establishing the Kansas conservation reserve enhancement program.**  
01/14/2016 Senate—Introduced—SJ 1764  
01/15/2016 Senate—Referred to Committee on Natural Resources—SJ 1767  
01/15/2016 Senate—Hearing: Wednesday, January 20, 2016, 8:30 AM Room 159-S—SJ 1767  
02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 1915  
02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940  
02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1951  
03/02/2016 House—Received and Introduced—HJ 2187  
03/03/2016 House—Referred to Committee on Agriculture and Natural Resources—HJ 2191  
03/03/2016 House—Hearing: Thursday, March 10, 2016, 3:30 PM Room 346-S  
03/14/2016 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 2266  
03/18/2016 House—Committee of the Whole - Be passed—HJ 2306  
03/21/2016 House—Final Action - Passed; Yea: 97 Nay: 26—HJ 2342  
03/22/2016 Senate—Enrolled and presented to Governor on Tuesday, March 22, 2016—SJ 2179
- S 331** 03/24/2016 Senate—Approved by Governor on Thursday, March 24, 2016  
Bill by Federal and State Affairs  
**Kansas firearms industry nondiscrimination act.**  
01/14/2016 Senate—Introduced—SJ 1764  
01/15/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1767  
01/21/2016 Senate—Hearing: Thursday, January 28, 2016, 10:30 AM Room 144-S  
06/01/2016 Senate—Died in Committee
- S 332** Bill by Assessment and Taxation  
**Sales tax exemption for the Kansas DUI impact center, inc.**  
01/19/2016 Senate—Introduced—SJ 1769  
01/20/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1772  
06/01/2016 Senate—Died in Committee
- S 333** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Voter registration; citizenship requirements.**  
01/19/2016 Senate—Introduced—SJ 1769  
01/20/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1772  
06/01/2016 Senate—Died in Committee
- S 334** Bill by Judiciary  
**Requiring notice to the attorney general before any Kansas court determines that a statute or constitutional provision is invalid or unconstitutional.**  
01/19/2016 Senate—Introduced—SJ 1769  
01/20/2016 Senate—Referred to Committee on Judiciary—SJ 1772  
01/25/2016 Senate—Hearing: Wednesday, January 27, 2016, 10:30 AM Room 346-S  
02/09/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1835

- 02/16/2016 Senate—Committee of the Whole - Be passed—SJ 1879  
 02/17/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1886  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Judiciary—HJ 2099  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 3:30 PM Room 112-N  
 03/10/2016 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 2231  
 03/14/2016 House—Committee of the Whole - Be passed—HJ 2265  
 03/15/2016 House—Final Action - Passed; Yea: 120 Nay: 3—HJ 2270  
 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138  
 03/22/2016 Senate—Approved by Governor on Monday, March 21, 2016—SJ 2162
- S 335** Bill by Ways and Means  
**Substitute for SB 335 by Committee on Transportation - Relating to registration, fees; law enforcement training center fund; creating the Kansas highway patrol staffing and training fund.**  
 01/20/2016 Senate—Introduced—SJ 1771  
 01/21/2016 Senate—Referred to Committee on Transportation—SJ 1775  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 8:30 AM Room 546-S  
 02/17/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 1894  
 02/22/2016 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1944  
 02/23/2016 Senate—Final Action - Substitute passed as amended; Yea: 24 Nay: 14—SJ 1951  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Appropriations—HJ 2191  
 03/04/2016 House—Hearing: Monday, March 07, 2016, 9:00 AM Room 112-N  
 06/01/2016 House—Died in House Committee
- S 336** Bill by Natural Resources  
**Amendments to livestock brand law.**  
 01/20/2016 Senate—Introduced—SJ 1771  
 01/21/2016 Senate—Referred to Committee on Agriculture—SJ 1775  
 06/01/2016 Senate—Died in Committee
- S 337** Bill by Natural Resources  
**House Substitute for SB 337 by Committee on Agriculture and Natural Resources – Water; creating a penalty for failure to report annual water use; division of water resources, groundwater management, chief engineer.**  
 01/20/2016 Senate—Introduced—SJ 1771  
 01/21/2016 Senate—Referred to Committee on Natural Resources—SJ 1775  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 8:30 AM Room 159-S  
 02/12/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 1869  
 02/16/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1879  
 02/17/2016 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 1886  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Agriculture and Natural Resources—HJ 2099  
 03/03/2016 House—Hearing: Monday, March 07, 2016, 3:30 PM Room 346-S

- 03/08/2016 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 2209
- 03/14/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2265
- 03/15/2016 House—Final Action - Substitute passed; Yea: 101 Nay: 22—HJ 2271
- 03/15/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 2064
- 03/17/2016 House—Motion to accede adopted; Representative Schwartz, Representative Boldra and Representative Victors appointed as conferees—HJ 2288
- 04/28/2016 House—Representative Wilson replaces Representative Victors on the Conference Committee—HJ 2481
- 04/29/2016 House—Conference Committee Report was adopted; Yea: 95 Nay: 21—HJ 2672
- 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2486
- 06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047
- S 338** Bill by Commerce  
**Rehabilitation of abandoned property by cities.**  
 01/20/2016 Senate—Introduced—SJ 1771  
 01/21/2016 Senate—Referred to Committee on Commerce—SJ 1775  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 8:30 AM Room 548-S  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1904  
 02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940  
 02/23/2016 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 1951  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2191  
 03/07/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 346-S  
 03/15/2016 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2274  
 03/22/2016 House—Committee of the Whole - Be passed—HJ 2384  
 03/23/2016 House—Final Action - Passed; Yea: 79 Nay: 44—HJ 2410  
 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239  
 04/27/2016 Senate—Vetoed by Governor; Returned to Senate on Monday, April 11, 2016—SJ 2237
- S 339** Bill by Financial Institutions and Insurance  
**Defining "residence premises" for purposes of homeowners insurance policies sold in Kansas.**  
 01/20/2016 Senate—Introduced—SJ 1772  
 01/21/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1775  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 9:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee

- S 340** Bill by Financial Institutions and Insurance  
**Providing the appointing authority of the securities commissioner from the governor to the commissioner of insurance.**  
 01/20/2016 Senate—Introduced—SJ 1772  
 01/21/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1775  
 01/21/2016 Senate—Hearing: Thursday, January 28, 2016, 9:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 341** Bill by Public Health and Welfare  
**Allowing step therapy for medicaid patients.**  
 01/20/2016 Senate—Introduced—SJ 1772  
 01/21/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1775  
 01/21/2016 Senate—Hearing: Wednesday, January 27, 2016, 1:30 PM Room 118-N  
 02/05/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1826  
 02/09/2016 Senate—Motion challenging the ruling of the chair. Sustained. Yea: 22 Nay: 15—SJ 1834  
 02/09/2016 Senate—Committee of the Whole - Be passed as further amended  
 02/10/2016 Senate—Final Action - Passed as amended; Yea: 23 Nay: 16—SJ 1843  
 02/11/2016 House—Received and Introduced—HJ 2041  
 02/12/2016 House—Referred to Committee on Health and Human Services—HJ 2046  
 03/03/2016 House—Hearing: Thursday, March 10, 2016, 1:30 PM Room 546-S  
 06/01/2016 House—Died in House Committee
- S 342** Bill by Education  
**Creating the student online personal protection act.**  
 01/21/2016 Senate—Introduced—SJ 1774  
 01/22/2016 Senate—Referred to Committee on Education—SJ 1777  
 01/25/2016 Senate—Hearing: Thursday, January 28, 2016, 1:30 PM Room 144-S  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 1913  
 02/23/2016 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 2009  
 03/10/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2032  
 03/10/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 2033  
 03/11/2016 House—Received and Introduced—HJ 2239  
 03/14/2016 House—Referred to Committee on Education—HJ 2260  
 06/01/2016 House—Died in House Committee
- S 343** Bill by Public Health and Welfare  
**Tanning device maximum temperature.**  
 01/21/2016 Senate—Introduced—SJ 1774  
 01/22/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1777  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee

- S 344** Bill by Public Health and Welfare  
**Renaming the state board of cosmetology.**  
 01/21/2016 Senate—Introduced—SJ 1774  
 01/22/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1777  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 1:30 PM Room 118-N  
 02/23/2016 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 2009  
 06/01/2016 Senate—Died in Committee
- S 345** Bill by Public Health and Welfare  
**Board of cosmetology amendments.**  
 01/21/2016 Senate—Introduced—SJ 1774  
 01/22/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1777  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 1:30 PM Room 118-N  
 02/23/2016 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 2009  
 06/01/2016 Senate—Died in Committee
- S 346** Bill by Utilities  
**Telecommunications and universal service support.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Utilities—SJ 1777  
 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 1:30 PM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 347** Bill by Federal and State Affairs  
**Legislator compensation; per diem pay limit.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Ways and Means—SJ 1777  
 06/01/2016 Senate—Died in Committee
- S 348** Bill by Senators Hawk, Faust-Goudeau, Francisco, Holland, Pettey  
**Prohibitions on carrying concealed handguns in postsecondary educational institution buildings.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1777  
 06/01/2016 Senate—Died in Committee
- S 349** Bill by Transportation  
**Hazardous materials endorsement exemption.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Transportation—SJ 1777  
 01/22/2016 Senate—Hearing: Tuesday, January 26, 2016, 8:30 AM Room 546-S  
 02/04/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 1823  
 02/09/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1834  
 02/10/2016 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1843  
 02/11/2016 House—Received and Introduced—HJ 2041

- 02/12/2016 House—Referred to Committee on Transportation—HJ 2046  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 582-N  
 03/18/2016 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 2331  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2347  
 03/22/2016 House—Final Action - Passed; Yea: 124 Nay: 1—HJ 2373  
 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016  
 03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016
- S 350** Bill by Transportation  
**Creating the Kansas highway patrol staffing and training fund; vehicle registration fees.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Transportation—SJ 1777  
 02/09/2016 Senate—Hearing: Thursday, February 11, 2016, 8:30 AM Room 546-S  
 06/01/2016 Senate—Died in Committee
- S 351** Bill by Public Health and Welfare  
**Relating to licensure of acupuncturists.**  
 01/21/2016 Senate—Introduced—SJ 1775  
 01/22/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1777  
 06/01/2016 Senate—Died in Committee
- S 352** Bill by Commerce  
**Amending nonresident real estate broker and salesperson license requirements.**  
 01/22/2016 Senate—Introduced—SJ 1777  
 01/25/2016 Senate—Referred to Committee on Commerce—SJ 1780  
 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 8:30 AM Room 548-S  
 02/09/2016 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 1835  
 02/17/2016 Senate—Committee of the Whole - Be passed—SJ 1888  
 02/18/2016 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1899  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2126  
 03/14/2016 House—Hearing: Monday, March 14, 2016, 1:30 PM Room 346-S  
 03/16/2016 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2282  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2343  
 03/22/2016 House—Final Action - Passed; Yea: 121 Nay: 4—HJ 2373  
 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016  
 03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016
- S 353** Bill by Assessment and Taxation  
**Allowing exemption of certain federal property without an order of the board of tax appeals.**  
 01/22/2016 Senate—Introduced—SJ 1777  
 01/25/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1780  
 02/01/2016 Senate—Hearing: Wednesday, February 03, 2016, 9:30 AM Room 548-S

- 02/10/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 1844
- 02/15/2016 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 1871
- 03/22/2016 Senate—Committee of the Whole - Be passed—SJ 2170
- 03/22/2016 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 2172
- 03/23/2016 House—Received and Introduced—HJ 2398
- 03/24/2016 House—Referred to Committee on Taxation—HJ 2415
- 06/01/2016 House—Died in House Committee
- S 354** Bill by Ways and Means  
**Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.**
- 01/25/2016 Senate—Introduced—SJ 1779
- 01/26/2016 Senate—Referred to Committee on Ways and Means—SJ 1782
- 01/26/2016 Senate—Hearing: Tuesday, January 26, 2016, 10:30 AM Room 548-S
- 06/01/2016 Senate—Died in Committee
- S 355** Bill by Federal and State Affairs  
**Firearms; possession or sale; persons who have voluntarily received treatment for mental illness or drug or alcohol abuse.**
- 01/25/2016 Senate—Introduced—SJ 1780
- 01/26/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1782
- 06/01/2016 Senate—Died in Committee
- S 356** Bill by Education  
**Substitute for SB 356 by Committee on Education - Amendments regarding school district capital improvement state aid.**
- 01/25/2016 Senate—Introduced—SJ 1780
- 01/26/2016 Senate—Referred to Committee on Education—SJ 1782
- 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 1:30 PM Room 144-S
- 02/23/2016 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 1966
- 03/02/2016 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 2009
- 03/18/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Education—SJ 2138
- 03/23/2016 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 2185
- 03/23/2016 Senate—Emergency Final Action - Substitute passed as amended; Yea: 27 Nay: 12—SJ 2186
- 03/24/2016 House—Received and Introduced—HJ 2416
- 04/27/2016 House—Referred to Committee on Appropriations—HJ 2456
- 06/01/2016 House—Died in House Committee
- S 357** Bill by Education  
**Requiring a longitudinal reading program study by the department of education.**
- 01/25/2016 Senate—Introduced—SJ 1780
- 01/26/2016 Senate—Referred to Committee on Education—SJ 1782
- 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 1:30 PM Room 144-S
- 06/01/2016 Senate—Died in Committee

- S 358** Bill by Education  
**Amending the nurse educator service scholarship program act.**  
 01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Education—SJ 1782  
 01/29/2016 Senate—Hearing: Thursday, February 04, 2016, 1:30 PM Room 144-S  
 02/09/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 1835  
 02/16/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1879  
 02/17/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1887  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Education—HJ 2099  
 03/04/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 112-N  
 03/11/2016 House—Committee Report recommending bill be passed by Committee on Education—HJ 2253  
 03/17/2016 House—Committee of the Whole - Be passed—HJ 2290  
 03/18/2016 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2305  
 03/21/2016 Senate—Enrolled and presented to Governor on Monday, March 21, 2016—SJ 2160  
 03/24/2016 Senate—Approved by Governor on Wednesday, March 23, 2016—SJ 2196
- S 359** Bill by Assessment and Taxation  
**Concerning property taxation; relating to county appraisers, market study analysis, persons eligible to be appointed to office of appraiser.**  
 01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1782  
 02/01/2016 Senate—Hearing: Wednesday, February 03, 2016, 9:30 AM Room 548-S  
 02/10/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1844  
 03/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2170  
 03/22/2016 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 2172  
 03/23/2016 House—Received and Introduced—HJ 2398  
 03/24/2016 House—Referred to Committee on Taxation—HJ 2415  
 06/01/2016 House—Died in House Committee
- S 360** Bill by Judiciary  
**Open meetings; justifications for closing meetings.**  
 01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Judiciary—SJ 1782  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 361** Bill by Judiciary  
**Open records act; definitions, public agency and public record.**  
 01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Judiciary—SJ 1782  
 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 10:30 AM Room 346-S  
 02/09/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1835  
 02/17/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1888  
 02/18/2016 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1899

02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Judiciary—HJ 2126  
 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 3:30 PM Room 112-N  
 03/10/2016 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 2231  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429

S 362

Bill by Judiciary

**Adding electronically stored information to the criminal justice information system; amending the rules of civil procedure concerning official records and authentication.**

01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Judiciary—SJ 1782  
 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 10:30 AM Room 346-S  
 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914  
 02/22/2016 Senate—Committee of the Whole - Be passed—SJ 1930  
 02/23/2016 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 1954  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191  
 03/07/2016 House—Hearing: Thursday, March 10, 2016, 3:30 PM Room 112-N  
 03/18/2016 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 2319  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2347  
 03/22/2016 House—Final Action - Passed; Yea: 123 Nay: 2—HJ 2374  
 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016

S 363

03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016  
 Bill by Senators O'Donnell, Arpke, Baumgardner, Bruce, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Masterson, McGinn, Olson, Petersen, Pettey, Powell, Smith, Wagle, Wilborn, Wolf

**Relating to licensure of acupuncturists.**

01/25/2016 Senate—Introduced—SJ 1780  
 01/26/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1782  
 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 1:30 PM Room 118-N  
 02/17/2016 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 1894  
 02/23/2016 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 2009  
 03/07/2016 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 2017  
 03/17/2016 Senate—Committee Report recommending bill be further amended and be passed as amended by Committee on Public Health and Welfare—SJ 2099

- 03/21/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2156
- 03/22/2016 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 2162
- 03/22/2016 House—Received and Introduced—HJ 2384
- 03/23/2016 House—Referred to Committee on Health and Human Services—HJ 2396
- S 364** 06/01/2016 House—Died in House Committee  
Bill by Public Health and Welfare  
**Updated statutory references necessitated by 2012 E.R.O. 41.**  
01/26/2016 Senate—Introduced—SJ 1781  
01/27/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1784  
02/05/2016 Senate—Hearing: Monday, February 08, 2016, 1:30 PM Room 118-N  
06/01/2016 Senate—Died in Committee
- S 365** Bill by Commerce  
**Enacting the contaminated property redevelopment act.**  
01/26/2016 Senate—Introduced—SJ 1781  
01/27/2016 Senate—Referred to Committee on Commerce—SJ 1784  
02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 8:30 AM Room 548-S  
02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1905  
02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940  
02/23/2016 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 1954  
03/02/2016 House—Received and Introduced—HJ 2187  
03/03/2016 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2191  
03/14/2016 House—Hearing: Monday, March 14, 2016, 1:30 PM Room 346-S  
03/17/2016 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2293  
03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 366** Bill by Commerce  
**Concerning local governmental regulatory authority; price controls on real estate transactions; food labeling, distribution, production; residential property inspections; employee scheduling.**  
01/26/2016 Senate—Introduced—SJ 1782  
01/27/2016 Senate—Referred to Committee on Commerce—SJ 1784  
02/12/2016 Senate—Hearing: Wednesday, February 17, 2016, 8:30 AM Room 548-S  
02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 1904  
02/22/2016 House—Committee of the Whole - Be passed—SJ 1930  
02/23/2016 Senate—Final Action - Passed; Yea: 34 Nay: 6—SJ 1954  
03/02/2016 House—Received and Introduced—HJ 2187  
03/03/2016 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2191  
03/09/2016 House—Hearing: Thursday, March 10, 2016, 1:30 PM Room 346-S  
03/17/2016 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2293

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2350
- 03/22/2016 House—Final Action - Passed as amended; Yea: 103 Nay: 22—HJ 2374
- 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Lynn, Senator Wagle and Senator Holland as conferees—SJ 2177
- 03/23/2016 House—Motion to accede adopted; Representative Hutton, Representative Mason and Representative Frownfelter appointed as conferees—HJ 2399
- 04/29/2016 House—Conference Committee Report agree to disagree adopted; Representative Hutton, Representative Mason and Representative Frownfelter appointed as second conferees—HJ 2709
- 04/29/2016 Senate—Conference Committee Report agree to disagree adopted; Senator Lynn, Senator Wagle and Senator Holland appointed as second conferees—SJ 2451
- 04/30/2016 House—Conference Committee Report was adopted; Yea: 76 Nay: 45—HJ 2830
- 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 32 Nay: 6—SJ 2709
- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Tuesday, May 17, 2016—SJ 3047
- S 367** Bill by Corrections and Juvenile Justice  
**Amendments to the juvenile justice system.**
- 01/26/2016 Senate—Introduced—SJ 1782
- 01/27/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1784
- 01/29/2016 Senate—Hearing: Monday, February 01, 2016, 9:30 AM Room 144-S
- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 1905
- 02/23/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1964
- 02/23/2016 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 1965
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2191
- 03/03/2016 House—Hearing: Monday, March 07, 2016, 1:30 PM Room 152-S
- 03/03/2016 House—Hearing: Tuesday, March 08, 2016, 1:30 PM Room 152-S
- 03/03/2016 House—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 152-S
- 03/09/2016 House—Hearing: Thursday, March 10, 2016, 1:30 PM Room 152-S
- 03/17/2016 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 2293
- 03/18/2016 House—Committee of the Whole - Be passed as amended—HJ 2306
- 03/21/2016 House—Final Action - Passed as amended; Yea: 117 Nay: 6—HJ 2342
- 03/21/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Smith, Senator Knox and Senator Pettey as conferees—SJ 2144
- 03/21/2016 House—Motion to accede adopted; Representative Gonzalez, Representative Finch and Representative Highberger appointed as conferees—HJ 2360

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/24/2016 House—Conference Committee Report was adopted; Yea: 118 Nay: 5—HJ 2420
- 03/24/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2224
- 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239
- S 368** 04/27/2016 Senate—Approved by Governor on Monday, April 11, 2016—SJ 2237  
Bill by Ethics and Elections  
**Prohibition against using public funds or resources to promote question submitted election issues; use of bond proceeds.**
- 01/26/2016 Senate—Introduced—SJ 1782
- 01/27/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1784
- 02/02/2016 Senate—Hearing: Thursday, February 04, 2016, 9:30 AM Room 142-S
- 06/01/2016 Senate—Died in Committee
- S 369** Bill by Financial Institutions and Insurance  
**Modernizing the Kansas mortgage business act.**
- 01/27/2016 Senate—Introduced—SJ 1783
- 01/28/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1788
- 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 9:30 AM Room 546-S
- 02/10/2016 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1844
- 02/16/2016 Senate—Committee of the Whole - Be passed—SJ 1879
- 02/17/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1887
- 02/18/2016 House—Received and Introduced—HJ 2086
- 02/19/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2099
- 02/23/2016 House—Hearing: Wednesday, March 02, 2016, 3:30 PM Room 218-N
- 03/08/2016 House—Committee Report recommending bill be passed by Committee on Insurance and Financial Institutions—HJ 2209
- 03/10/2016 House—Committee of the Whole - Be passed—HJ 2229
- 03/11/2016 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 2241
- 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138
- 03/24/2016 Senate—Approved by Governor on Wednesday, March 23, 2016—SJ 2196
- S 370** Bill by Financial Institutions and Insurance  
**Expanding the types of claims for payment of proceeds statutes.**
- 01/27/2016 Senate—Introduced—SJ 1783
- 01/29/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1788
- 01/29/2016 Senate—Hearing: Tuesday, February 02, 2016, 9:30 AM Room 546-S
- 02/10/2016 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1844
- 02/16/2016 Senate—Committee of the Whole - Be passed—SJ 1879
- 02/17/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1887
- 02/18/2016 House—Received and Introduced—HJ 2086
- 02/19/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2099

- 02/23/2016 House—Hearing: Wednesday, March 02, 2016, 3:30 PM Room 218-N  
 03/08/2016 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance and Financial Institutions—HJ 2209  
 03/11/2016 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 2239  
**S 371** 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429  
 Bill by Federal and State Affairs  
**KanCare bridge to prosperity program.**  
 01/27/2016 Senate—Introduced—SJ 1783  
 01/29/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1788  
**S 372** 06/01/2016 Senate—Died in Committee  
 Bill by Public Health and Welfare  
**Amendments to Kansas public assistance eligibility, limitations and verification.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/28/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1788  
 01/29/2016 Senate—Hearing: Monday, February 01, 2016, 1:30 PM Room 118-N  
 02/11/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1864  
 02/18/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1902  
 02/18/2016 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 8—SJ 1903  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Health and Human Services—HJ 2126  
**S 373** 06/01/2016 House—Died in House Committee  
 Bill by Transportation  
**Authorizing the director of the Kansas turnpike authority to instruct the division of vehicles to require payment of unpaid tolls before registering certain vehicles.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/28/2016 Senate—Referred to Committee on Transportation—SJ 1788  
 02/01/2016 Senate—Hearing: Thursday, February 04, 2016, 8:30 AM Room 546-S  
 02/04/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1823  
 02/10/2016 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1841  
 02/11/2016 House—Received and Introduced—HJ 2041  
 02/12/2016 House—Referred to Committee on Transportation—HJ 2046  
 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 1:30 PM Room 582-N  
 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 2331  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2351  
 03/22/2016 House—Final Action - Passed as amended; Yea: 91 Nay: 34—HJ 2375  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 2177

- 03/23/2016 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Lusker appointed as conferees—HJ 2399
- 04/27/2016 House—Conference Committee Report was adopted; Yea: 82 Nay: 39—HJ 2463
- 04/28/2016 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 4—SJ 2245
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047
- S 374** Bill by Corrections and Juvenile Justice  
**Amending requirements for justification and approval of sureties.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/28/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1788  
 02/05/2016 Senate—Hearing: Thursday, February 11, 2016, 9:30 AM Room 118-N  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 1908  
 02/22/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1940  
 02/23/2016 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 1955  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191  
 06/01/2016 House—Died in House Committee
- S 375** Bill by Corrections and Juvenile Justice  
**Changing the definition of "significantly subaverage general intellectual functioning" related to intellectual disability.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/28/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1788  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 9:30 AM Room 118-N  
 02/16/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 1879  
 02/18/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1900  
 02/18/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1903  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2126  
 02/23/2016 House—Hearing: Thursday, March 03, 2016, 1:30 PM Room 152-S  
 03/15/2016 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 2274  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 376** Bill by Corrections and Juvenile Justice  
**Amending law enforcement duties concerning missing person reports.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/28/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1788  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 9:30 AM Room 118-N

- 02/16/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 1879
- 02/18/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1900
- 02/18/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1903
- 02/22/2016 House—Received and Introduced—HJ 2109
- 02/23/2016 House—Referred to Committee on Judiciary—HJ 2126
- 03/03/2016 House—Hearing: Monday, March 07, 2016, 3:30 PM Room 112-N
- 03/09/2016 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 2222
- 03/14/2016 House—Committee of the Whole - Be passed—HJ 2265
- 03/15/2016 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2271
- 03/18/2016 Senate—Enrolled and presented to Governor on Friday, March 18, 2016—SJ 2138
- 03/22/2016 Senate—Approved by Governor on Monday, March 21, 2016—SJ 2162
- S 377** Bill by Judiciary  
**Amending grounds for law enforcement officer to request preliminary screening test for drugs or alcohol.**
- 01/27/2016 Senate—Introduced—SJ 1784
- 01/28/2016 Senate—Referred to Committee on Judiciary—SJ 1788
- 01/29/2016 Senate—Hearing: Wednesday, February 03, 2016, 10:30 AM Room 346-S
- 06/01/2016 Senate—Died in Committee
- S 378** Bill by Judiciary  
**Employment discrimination or retaliation protections for victims of domestic violence or sexual assault; complaint procedure; application of Kansas act against discrimination.**
- 01/27/2016 Senate—Introduced—SJ 1784
- 01/28/2016 Senate—Referred to Committee on Judiciary—SJ 1788
- 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 10:30 AM Room 346-S
- 02/19/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1922
- 03/10/2016 Senate—Motion to strike from Calendar adopted—SJ 2035
- S 379** Bill by Federal and State Affairs  
**Farm wineries; licenses; no term of residency.**
- 01/27/2016 Senate—Introduced—SJ 1784
- 01/28/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1788
- 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 10:30 AM Room 144-S
- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1913
- 03/10/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2031
- 03/10/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 2033
- 03/11/2016 House—Received and Introduced—HJ 2239
- 03/14/2016 House—Referred to Committee on Federal and State Affairs—HJ 2260
- 06/01/2016 House—Died in House Committee

- S 380** Bill by Federal and State Affairs  
**Taxation of motor vehicles and exemption for vehicles of military personnel.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 02/03/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1802  
 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 9:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 381** Bill by Financial Institutions and Insurance  
**Providing for the synchronization of prescription drug refills.**  
 01/28/2016 Senate—Introduced—SJ 1787  
 01/29/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1794  
 06/01/2016 Senate—Died in Committee
- S 382** Bill by Transportation  
**Repealing requirement that wrecker and towing service providers file notices, publications and affidavits with the county clerk; requirements for towing vehicles from private property, ordinance or resolution.**  
 01/28/2016 Senate—Introduced—SJ 1787  
 01/29/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1794  
 02/03/2016 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Transportation—SJ 1814  
 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 8:30 AM Room 546-S  
 02/16/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1880  
 02/23/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1950  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Transportation—HJ 2191  
 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 1:30 PM Room 582-N  
 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 2331  
 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 383** Bill by Federal and State Affairs  
**Election day voter registration.**  
 01/28/2016 Senate—Introduced—SJ 1787  
 01/29/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1794  
 06/01/2016 Senate—Died in Committee
- S 384** Bill by Ways and Means  
**Amending provisions of the nongame and endangered species conservation act.**  
 01/28/2016 Senate—Introduced—SJ 1787  
 01/29/2016 Senate—Referred to Committee on Natural Resources—SJ 1794  
 01/29/2016 Senate—Hearing: Thursday, February 04, 2016, 8:30 AM Room 159-S  
 06/01/2016 Senate—Died in Committee
- S 385** Bill by Public Health and Welfare  
**Requiring hospitals to offer flu vaccines.**  
 01/28/2016 Senate—Introduced—SJ 1788  
 01/29/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1794  
 06/01/2016 Senate—Died in Committee

- S 386** Bill by Public Health and Welfare  
**Relating to diabetes information reporting.**  
 01/28/2016 Senate—Introduced—SJ 1788  
 01/29/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1794  
 06/01/2016 Senate—Died in Committee
- S 387** Bill by Senators Bruce, Bowers, Wilborn  
**Establishing the pooled money investment board as a separate state agency for purposes of budget submissions**  
 01/28/2016 Senate—Introduced—SJ 1788  
 01/29/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1794  
 02/12/2016 Senate—Hearing: Wednesday, February 17, 2016, 9:30 AM Room 546-S  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1914  
 02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940  
 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1955  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2191  
 03/07/2016 House—Hearing: Thursday, March 10, 2016, 3:30 PM Room 218-N  
 03/16/2016 House—Committee Report recommending bill be passed as amended by Committee on Insurance and Financial Institutions—HJ 2283  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2350  
 03/22/2016 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 2375  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Bowers and Senator Hawk as conferees—SJ 2177  
 03/23/2016 House—Motion to accede adopted; Representative Schwab, Representative Kelly and Representative Houston appointed as conferees—HJ 2399  
 04/27/2016 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2461  
 04/28/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2248  
 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045  
 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047
- S 388** Bill by Assessment and Taxation  
**Requiring the state board of regents to adopt a policy on awarding credit hours based on CLEP test results.**  
 01/29/2016 Senate—Introduced—SJ 1794  
 02/01/2016 Senate—Referred to Committee on Education—SJ 1797  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 1:30 PM Room 144-S  
 02/16/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 1880  
 03/10/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2031  
 03/10/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 2033

03/11/2016 House—Received and Introduced—HJ 2239  
 03/14/2016 House—Referred to Committee on Education—HJ 2260  
 03/15/2016 House—Hearing: Thursday, March 17, 2016, 1:30 PM Room 112-N  
 03/18/2016 House—Committee Report recommending bill be passed as amended  
 by Committee on Education—HJ 2307  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2351  
 03/22/2016 House—Final Action - Passed as amended; Yea: 124 Nay: 1—HJ 2376  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Abrams, Senator Arpke and Senator Hensley  
 as conferees—SJ 2177  
 03/23/2016 House—Motion to accede adopted; Representative Highland,  
 Representative Lunn and Representative Winn appointed as conferees—HJ  
 2399  
 04/29/2016 House—Representative Schwartz replaces Representative Highland on  
 the Conference Committee—HJ 2564  
 04/29/2016 House—Representative Boldra replaces Representative Lunn on the  
 Conference Committee—HJ 2564  
 04/29/2016 House—Representative Wilson replaces Representative Winn on the  
 Conference Committee—HJ 2564  
 04/30/2016 House—Conference Committee Report was adopted; Yea: 81 Nay: 32—  
 HJ 2749  
 04/30/2016 Senate—Conference Committee Report not adopted; Yea: 15 Nay: 25—  
 SJ 2488

**S 389**

Bill by Ways and Means

**Appropriation revisions for FY 2017 and FY 2018 for various state agencies.**

01/29/2016 Senate—Introduced—SJ 1794  
 02/01/2016 Senate—Referred to Committee on Ways and Means—SJ 1797  
 02/01/2016 Senate—Hearing: Tuesday, February 02, 2016, 10:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee

**S 390**

Bill by Financial Institutions and Insurance

**Amending the state banking code.**

02/01/2016 Senate—Introduced—SJ 1796  
 02/02/2016 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 1800  
 02/03/2016 Senate—Hearing: Thursday, February 04, 2016, 9:30 AM Room 546-S  
 02/11/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Financial Institutions and Insurance—SJ 1863  
 02/16/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1879  
 02/17/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1888  
 02/18/2016 House—Received and Introduced—HJ 2086  
 02/19/2016 House—Referred to Committee on Insurance and Financial Institutions  
 —HJ 2099  
 02/23/2016 House—Hearing: Thursday, March 03, 2016, 3:30 PM Room 218-N  
 03/08/2016 House—Committee Report recommending bill be passed by Committee  
 on Insurance and Financial Institutions—HJ 2210  
 03/10/2016 House—Committee of the Whole - Be passed as amended—HJ 2229  
 03/11/2016 House—Final Action - Passed as amended; Yea: 118 Nay: 0—HJ 2241  
 03/15/2016 Senate—Nonconcurrent with amendments; Conference Committee  
 requested; appointed Senator Longbine, Senator Bowers and Senator  
 Hawk as conferees—SJ 2064

- 03/17/2016 House—Motion to accede adopted; Representative Schwab, Representative Kelly and Representative Houston appointed as conferees—HJ 2288
- 03/24/2016 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 2424
- 04/28/2016 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2250
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- S 391** 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047  
Bill by Corrections and Juvenile Justice  
**Creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child.**
- 02/01/2016 Senate—Introduced—SJ 1797
- 02/02/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1800
- 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 9:30 AM Room 118-N
- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—SJ 1908
- 02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940
- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1955
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2191
- S 392** 06/01/2016 House—Died in House Committee  
Bill by Corrections and Juvenile Justice  
**Amending provisions relating to a request for final disposition of detainer by prisoners.**
- 02/01/2016 Senate—Introduced—SJ 1797
- 02/02/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1800
- 02/05/2016 Senate—Hearing: Wednesday, February 10, 2016, 9:30 AM Room 118-N
- 02/17/2016 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 1894
- 02/22/2016 Senate—Committee of the Whole - Be passed—SJ 1930
- 02/23/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1956
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2191
- 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 1:30 PM Room 152-S
- 03/17/2016 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 2298
- 03/21/2016 House—Committee of the Whole - Be passed—HJ 2347
- 03/22/2016 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 2376
- 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016
- 03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016

- S 393** Bill by Public Health and Welfare  
**Consideration of domestic abuse in determining the issue of custody, residency and parenting time of a child.**  
 02/02/2016 Senate—Introduced—SJ 1798  
 02/04/2016 Senate—Referred to Committee on Judiciary—SJ 1820  
 02/08/2016 Senate—Hearing: Wednesday, February 10, 2016, 10:30 AM Room 346-S  
 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914  
 02/23/2016 Senate—Committee of the Whole - Be passed—SJ 1960  
 02/23/2016 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 1965  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191  
 03/09/2016 House—Hearing: Thursday, March 10, 2016, 3:30 PM Room 112-N  
 06/01/2016 House—Died in House Committee
- S 394** Bill by Public Health and Welfare  
**Enacting the supporting families act, relating to temporary care for children.**  
 02/02/2016 Senate—Introduced—SJ 1798  
 02/03/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1802  
 02/03/2016 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Judiciary—SJ 1814  
 02/08/2016 Senate—Hearing: Thursday, February 11, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 395** Bill by Judiciary  
**Limiting length of legislative session to 100 calendar days in odd-numbered years and 60 calendar days in even-numbered years.**  
 02/02/2016 Senate—Introduced—SJ 1798  
 02/03/2016 Senate—Referred to Committee on Judiciary—SJ 1802  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 9:30 AM Room 346-S  
 02/10/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1844  
 02/17/2016 Senate—Committee of the Whole - Motion to rerefer to committee failed—SJ 1888  
 02/17/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1888  
 02/18/2016 Senate—Final Action - Passed as amended; Yea: 25 Nay: 11—SJ 1899  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Appropriations—HJ 2126  
 06/01/2016 House—Died in House Committee
- S 396** Bill by Judiciary  
**Kansas zero-based budget law.**  
 02/02/2016 Senate—Introduced—SJ 1799  
 02/03/2016 Senate—Referred to Committee on Ways and Means—SJ 1802  
 06/01/2016 Senate—Died in Committee
- S 397** Bill by Federal and State Affairs  
**Open records act; application for certain elected offices and offices subject to retention elections.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Judiciary—SJ 1820  
 06/01/2016 Senate—Died in Committee

- S 398** Bill by Federal and State Affairs  
**Lobbyists; reporting of compensation received from each employer.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1820  
 06/01/2016 Senate—Died in Committee
- S 399** Bill by Federal and State Affairs  
**Lobbyists; restriction on meals for legislators.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1820  
 06/01/2016 Senate—Died in Committee
- S 400** Bill by Federal and State Affairs  
**Campaign finance; prohibiting certain campaign contributions by KanCare providers.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1820  
 06/01/2016 Senate—Died in Committee
- S 401** Bill by Utilities  
**Telecommunications and wireless communications equipment.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Utilities—SJ 1820  
 02/05/2016 Senate—Hearing: Monday, February 08, 2016, 1:30 PM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 402** Bill by Public Health and Welfare  
**House Substitute for SB 402 by Committee on Health and Human Services - Public assistance; eligibility and limitations; step therapy under medicaid.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1820  
 02/05/2016 Senate—Hearing: Tuesday, February 09, 2016, 1:30 PM Room 118-N  
 02/09/2016 Senate—Hearing: Wednesday, February 10, 2016, 1:30 PM Room 118-N  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1917  
 02/22/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1940  
 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1956  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Health and Human Services—HJ 2191  
 03/04/2016 House—Hearing: Tuesday, March 08, 2016, 1:30 PM Room 546-S  
 03/16/2016 House—Committee Report recommending substitute bill be passed by Committee on Health and Human Services—HJ 2282  
 03/21/2016 House—Committee of the Whole - Substitute bill be passed—HJ 2344  
 03/22/2016 House—Final Action - Substitute passed; Yea: 87 Nay: 38—HJ 2377  
 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator O'Donnell, Senator Denning and Senator Kelly as conferees—SJ 2177

- 03/23/2016 House—Motion to accede adopted; Representative Hawkins, Representative Dove and Representative Ward appointed as conferees—HJ 2399
- 04/30/2016 House—Conference Committee Report agree to disagree, not adopted—HJ 2714
- 04/30/2016 House—Conference Committee Report agree to disagree adopted; Representative Hawkins, Representative Dove and Representative Ward appointed as second conferees—HJ 2829
- 04/30/2016 Senate—Conference Committee Report agree to disagree adopted; Senator O'Donnell, Senator Denning and Senator Kelly appointed as second conferees—SJ 2504
- 05/01/2016 House—Conference Committee Report not adopted; Yea: 52 Nay: 69—HJ 2913
- 05/01/2016 House—Motion to Reconsider Adopted—HJ 2933
- 05/01/2016 House—Conference Committee Report not adopted; Representative Hawkins, Representative Dove and Representative Ward appointed as third conferees—HJ 2933
- 05/01/2016 Senate—Motion to accede adopted; Senator O'Donnell, Senator Denning and Senator Kelly appointed as third conferees—SJ 2756
- 05/01/2016 House—Conference Committee Report was adopted; Yea: 79 Nay: 43—HJ 3182
- 05/01/2016 Senate—Motion to suspend Joint Rule 3(f) - 30 Minute Rule adopted—SJ 2992
- 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 27 Nay: 13—SJ 3012
- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Monday, May 16, 2016—SJ 3047
- S 403** Bill by Ways and Means  
**Limitations on municipal revenue generation through traffic citations.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Ways and Means—SJ 1820  
 02/23/2016 Senate—Hearing: Wednesday, March 02, 2016, 10:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 404** Bill by Ways and Means  
**Authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Riley county, Kansas.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Ways and Means—SJ 1820  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 548-S  
 03/08/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 2025  
 03/17/2016 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 2084  
 03/18/2016 House—Received and Introduced—HJ 2304  
 03/21/2016 House—Referred to Committee on Appropriations—HJ 2336  
 06/01/2016 House—Died in House Committee
- S 405** Bill by Transportation  
**Nonhighway certificate of title or salvage title for travel trailers.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/04/2016 Senate—Referred to Committee on Transportation—SJ 1820

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 02/09/2016 Senate—Hearing: Wednesday, February 10, 2016, 8:30 AM Room 546-S
- 02/16/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1880
- 02/23/2016 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1950
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Transportation—HJ 2191
- 03/15/2016 House—Hearing: Wednesday, March 16, 2016, 1:30 PM Room 582-N
- 03/18/2016 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 2332
- 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 406** Bill by Ethics and Elections  
**Voter registration; departments of aging and disability services, children and families, labor and state board of education.**
- 02/04/2016 Senate—Introduced—SJ 1815
- 02/05/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1825
- 06/01/2016 Senate—Died in Committee
- S 407** Bill by Corrections and Juvenile Justice  
**Amending registration requirements under the Kansas offender registration act for persons civilly committed under the sexually violent predator act and reviving a statute concerning conditional release of such persons.**
- 02/04/2016 Senate—Introduced—SJ 1815
- 02/05/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1825
- 02/08/2016 Senate—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Judiciary—SJ 1828
- 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 10:30 AM Room 346-S
- 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914
- 02/22/2016 Senate—Committee of the Whole - Be passed—SJ 1930
- 02/23/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1956
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191
- 03/14/2016 House—Hearing: Monday, March 14, 2016, 3:30 PM Room 112-N
- 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2319
- 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2383
- 03/23/2016 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 2410
- 03/23/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2192
- 03/24/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2417
- 04/29/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2420

- 06/01/2016 Senate—Enrolled and presented to Governor on Tuesday, May 03, 2016—SJ 3053
- S 408** 06/01/2016 Senate—Approved by Governor on Monday, May 09, 2016—SJ 3047  
 Bill by Corrections and Juvenile Justice  
**Reporting and investigation of abuse, neglect and exploitation of persons; duties and powers of attorney general, law enforcement and department of corrections.**
- 02/04/2016 Senate—Introduced—SJ 1815
- 02/05/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1825
- 02/08/2016 Senate—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Judiciary—SJ 1828
- 02/12/2016 Senate—Hearing: Wednesday, February 17, 2016, 10:30 AM Room 346-S
- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1914
- 02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940
- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1956
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191
- 03/04/2016 House—Hearing: Wednesday, March 09, 2016, 3:30 PM Room 112-N
- 03/15/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2274
- 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2383
- 03/23/2016 House—Final Action - Passed as amended; Yea: 103 Nay: 19—HJ 2411
- 03/23/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2192
- 03/24/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2417
- 04/29/2016 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2420
- 05/01/2016 Senate—Enrolled and presented to Governor on Sunday, May 01, 2016—SJ 3045
- S 409** 06/01/2016 Senate—Approved by Governor on Friday, May 06, 2016—SJ 3047  
 Bill by Ways and Means  
**Transportation arrangements prior to a funeral.**
- 02/04/2016 Senate—Introduced—SJ 1815
- 02/05/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1825
- S 410** 06/01/2016 Senate—Died in Committee  
 Bill by Judiciary  
**Establishing a CARE family pilot program for foster care.**
- 02/04/2016 Senate—Introduced—SJ 1816
- 02/05/2016 Senate—Referred to Committee on Judiciary—SJ 1825
- 02/08/2016 Senate—Hearing: Thursday, February 11, 2016, 10:30 AM Room 346-S
- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1915

- 02/22/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1942
- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 24 Nay: 15—SJ 1957
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191
- 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 3:30 PM Room 112-N
- 06/01/2016 House—Died in House Committee
- S 411** Bill by Utilities  
**Utilities and electric transmission lines.**  
 02/04/2016 Senate—Introduced—SJ 1816  
 02/05/2016 Senate—Referred to Committee on Utilities—SJ 1825
- S 412** Bill by Utilities  
**Water district No. 1 of Johnson County and purposes of property easement.**  
 02/04/2016 Senate—Introduced—SJ 1816  
 02/05/2016 Senate—Referred to Committee on Utilities—SJ 1825  
 02/12/2016 Senate—Hearing: Monday, February 15, 2016, 1:30 PM Room 548-S  
 02/15/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Utilities—SJ 1873  
 02/23/2016 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1950  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Utilities and Telecommunications—HJ 2191  
 03/08/2016 House—Withdrawn from Committee on Utilities and Telecommunications; Referred to Committee on Energy and Environment—HJ 2203  
 03/10/2016 House—Hearing: Monday, March 14, 2016, 9:00 AM Room 582-N  
 03/14/2016 House—Committee Report recommending bill be passed by Committee on Energy and Environment—HJ 2266  
 03/18/2016 House—Committee of the Whole - Be passed—HJ 2306  
 03/21/2016 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2343  
 03/22/2016 Senate—Enrolled and presented to Governor on Tuesday, March 22, 2016—SJ 2179
- S 413** 03/24/2016 Senate—Approved by Governor on Thursday, March 24, 2016  
 Bill by Public Health and Welfare  
**Licensure of dental therapists.**  
 02/05/2016 Senate—Introduced—SJ 1824  
 02/08/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1828
- S 414** 06/01/2016 Senate—Died in Committee  
 Bill by Commerce  
**Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.**  
 02/05/2016 Senate—Introduced—SJ 1824  
 02/08/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1828  
 03/18/2016 Senate—Withdrawn from Committee on Ethics and Elections and referred to Committee of the Whole—SJ 2107  
 06/01/2016 Senate—Died on General Orders

- S 415** Bill by Judiciary  
**Legislative review of exceptions to disclosure of public records.**  
 02/05/2016 Senate—Introduced—SJ 1824  
 02/08/2016 Senate—Referred to Committee on Judiciary—SJ 1828  
 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 10:30 AM Room 346-S  
 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914  
 02/22/2016 Senate—Committee of the Whole - Be passed—SJ 1930  
 02/23/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1958  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191  
 03/03/2016 House—Hearing: Monday, March 07, 2016, 3:30 PM Room 112-N  
 03/11/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2253  
 03/14/2016 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 2260  
 06/01/2016 House—Died in House Committee
- S 416** Bill by Utilities  
**Vehicle tire tax and abolishing the solid waste grants advisory committee.**  
 02/08/2016 Senate—Introduced—SJ 1827  
 02/09/2016 Senate—Referred to Committee on Utilities—SJ 1832  
 06/01/2016 Senate—Died in Committee
- S 417** Bill by Utilities  
**Concerning utilities and the department of health and environment.**  
 02/08/2016 Senate—Introduced—SJ 1827  
 02/09/2016 Senate—Referred to Committee on Utilities—SJ 1832  
 06/01/2016 Senate—Died in Committee
- S 418** Bill by Corrections and Juvenile Justice  
**Enacting the host families act; clarifying use of a domestic violence offender assessment conducted by a certified batterer intervention program to aid in determining the issue of legal custody, residency and parenting time of a child; amending statutes related to human trafficking, children in need of care and juvenile offenders.**  
 02/08/2016 Senate—Introduced—SJ 1827  
 02/09/2016 Senate—Referred to Committee on Judiciary—SJ 1832  
 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 10:30 AM Room 346-S  
 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914  
 02/23/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1962  
 02/23/2016 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 8—SJ 1966  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191  
 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 3:30 PM Room 112-N  
 03/17/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2300  
 03/21/2016 House—Committee of the Whole - Be passed as amended—HJ 2350  
 03/22/2016 House—Final Action - Passed as amended; Yea: 125 Nay: 0—HJ 2378

- 03/22/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 2177
- 03/23/2016 House—Motion to accede adopted; Representative Barker, Representative Macheers and Representative Carmichael appointed as conferees—HJ 2399
- 04/30/2016 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 2752
- 04/30/2016 Senate—Conference Committee Report was adopted; Yea: 33 Nay: 5—SJ 2661
- 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053
- 06/01/2016 Senate—Approved by Governor on Tuesday, May 17, 2016—SJ 3047
- S 419** Bill by Financial Institutions and Insurance  
**Affiliate transfer policies of mutual insurance policies organized to provide healthcare provider liability insurance.**
- 02/08/2016 Senate—Introduced—SJ 1828
- 02/09/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1832
- 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 9:30 AM Room 546-S
- 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1914
- 02/22/2016 Senate—Committee of the Whole - Be passed—SJ 1930
- 02/23/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1958
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2191
- 06/01/2016 House—Died in House Committee
- S 420** Bill by Ways and Means  
**Amendments regarding courses offered in community college service areas and the funding thereof.**
- 02/08/2016 Senate—Introduced—SJ 1828
- 02/09/2016 Senate—Referred to Committee on Ways and Means—SJ 1832
- 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 548-S
- 06/01/2016 Senate—Died in Committee
- S 421** Bill by Ways and Means  
**Carrying a concealed handgun in a public building; restricted access entrance.**
- 02/08/2016 Senate—Introduced—SJ 1828
- 02/09/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1832
- 03/09/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 2027
- 03/16/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2069
- 03/17/2016 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 2085
- 03/18/2016 House—Received and Introduced—HJ 2304
- 03/21/2016 House—Referred to Committee on Federal and State Affairs—HJ 2336
- 06/01/2016 House—Died in House Committee
- S 422** Bill by Public Health and Welfare  
**Secretary for aging and disability services licensure of certain facilities and standards for treatment of certain individuals; background checks.**
- 02/09/2016 Senate—Introduced—SJ 1830

02/10/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1840  
 02/15/2016 Senate—Hearing: Tuesday, February 16, 2016, 1:30 PM Room 118-N  
 02/23/2016 Senate—Withdrawn from Committee on Public Health and Welfare;  
 Referred to Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Public Health and Welfare—SJ 2009  
 03/08/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Public Health and Welfare—SJ 2024  
 03/17/2016 Senate—Committee of the Whole - Motion to rerefer to committee  
 failed Yea: 15 Nay: 20—SJ 2092  
 03/17/2016 Senate—Committee of the Whole - Be passed as further amended—SJ  
 2092  
 03/17/2016 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 5  
 —SJ 2092  
 03/18/2016 House—Received and Introduced—HJ 2304  
 03/21/2016 House—Referred to Committee on Health and Human Services—HJ  
 2336  
 06/01/2016 House—Died in House Committee

S 423

Bill by Ways and Means

**Redesignating Kansas state university-Salina, college of technology as Kansas  
 state university polytechnic campus.**

02/09/2016 Senate—Introduced—SJ 1830  
 02/10/2016 Senate—Referred to Committee on Ways and Means—SJ 1840  
 02/16/2016 Senate—Committee Report recommending bill be passed and placed on  
 Consent Calendar by Committee on Ways and Means—SJ 1880  
 02/16/2016 Senate—Withdrawn from Consent Calendar and placed on General  
 Orders—SJ 1880  
 02/18/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1901  
 02/18/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0  
 —SJ 1903  
 02/22/2016 House—Received and Introduced—HJ 2109  
 02/23/2016 House—Referred to Committee on Education—HJ 2126  
 02/23/2016 House—Hearing: Wednesday, March 02, 2016, 1:30 PM Room 112-N  
 03/03/2016 House—Committee Report recommending bill be passed and placed on  
 Consent Calendar by Committee on Education—HJ 2195  
 03/09/2016 House—Final Action - Passed; Yea: 120 Nay: 0—HJ 2216  
 03/11/2016 Senate—Enrolled and presented to Governor on Friday, March 11, 2016  
 —SJ 2049  
 03/18/2016 Senate—Approved by Governor on Friday, March 18, 2016

S 424

Bill by Judiciary

**Amending consumer protection laws related to identity theft and security of  
 personal identifying information.**

02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Judiciary—SJ 1840  
 02/23/2016 Senate—Withdrawn from Committee on Judiciary; Referred to  
 Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs;  
 Rereferred to Committee on Judiciary—SJ 2008  
 03/07/2016 Senate—Hearing: Tuesday, March 08, 2016, 10:30 AM Room 346-S

- 03/17/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 2095
- 03/23/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2183
- 03/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 2186
- 03/24/2016 House—Received and Introduced—HJ 2416
- 04/27/2016 House—Referred to Committee on Judiciary—HJ 2456
- 06/01/2016 House—Died in House Committee
- S 425** Bill by Ways and Means  
**Authorizing the board of county commissioners of any county to regulate conservation easements on property located within the county.**
- 02/09/2016 Senate—Introduced—SJ 1831
- 02/10/2016 Senate—Referred to Committee on Natural Resources—SJ 1840
- 02/12/2016 Senate—Hearing: Thursday, February 18, 2016, 8:30 AM Room 159-S
- 02/23/2016 Senate—Hearing: Wednesday, March 02, 2016, 8:30 AM Room 159-S
- 06/01/2016 Senate—Died in Committee
- S 426** Bill by Corrections and Juvenile Justice  
**Creating the crime of violation of a consumer protection related to door-to-door sales.**
- 02/09/2016 Senate—Introduced—SJ 1831
- 02/10/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1840
- 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 9:30 AM Room 118-N
- 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 1905
- 02/23/2016 Senate—Committee of the Whole - Be passed—SJ 1960
- 02/23/2016 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 1966
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2191
- 03/14/2016 House—Hearing: Tuesday, March 15, 2016, 1:30 PM Room 152-S
- 03/17/2016 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 2298
- 03/24/2016 House—Stricken from Calendar by Rule 1507—HJ 2429
- S 427** Bill by Senator Haley  
**Enacting the police and citizen protection act; use of body cameras by law enforcement officers.**
- 02/09/2016 Senate—Introduced—SJ 1831
- 02/10/2016 Senate—Referred to Committee on Judiciary—SJ 1840
- 06/01/2016 Senate—Died in Committee
- S 428** Bill by Senator Haley  
**Substitute for SB 428 by Committee on Judiciary - Relating to eyewitness identification.**
- 02/09/2016 Senate—Introduced—SJ 1831
- 02/10/2016 Senate—Referred to Committee on Judiciary—SJ 1840
- 02/15/2016 Senate—Hearing: Wednesday, February 17, 2016, 10:30 AM Room 346-S
- 02/19/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 1921
- 02/23/2016 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1966

- 03/02/2016 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 2009
- 03/10/2016 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 2032
- 03/10/2016 Senate—Emergency Final Action - Substitute passed as amended; Yeas: 38 Nays: 1—SJ 2034
- 03/11/2016 House—Received and Introduced—HJ 2239
- 03/14/2016 House—Referred to Committee on Judiciary—HJ 2260
- 03/16/2016 House—Hearing: Thursday, March 17, 2016, 3:30 PM Room 112-N
- 03/21/2016 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2345
- 06/01/2016 House—Died on House Calendar
- S 429** Bill by Senator Haley  
**Requiring certain felony interrogations to be videotaped.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Judiciary—SJ 1840  
 06/01/2016 Senate—Died in Committee
- S 430** Bill by Senator Haley  
**Providing compensation for people wrongfully convicted.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1840  
 02/23/2016 Senate—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Corrections and Juvenile Justice—SJ 2009  
 06/01/2016 Senate—Died in Committee
- S 431** Bill by Senator Hensley  
**Prohibiting changes in party affiliation prior to gubernatorial appointments.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1840  
 06/01/2016 Senate—Died in Committee
- S 432** Bill by Senator Hensley  
**Elections; county election commissioner; requirements.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1840  
 06/01/2016 Senate—Died in Committee
- S 433** Bill by Senator Hensley  
**Employment security law: reinstating waiting week and trailing spouse benefit provisions.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Commerce—SJ 1840  
 06/01/2016 Senate—Died in Committee
- S 434** Bill by Senators Haley, Petty  
**Increasing the penalty for certain violations of criminal discharge of a firearm.**  
 02/10/2016 Senate—Introduced—SJ 1837  
 02/11/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1847  
 06/01/2016 Senate—Died in Committee

- S 435** Bill by Corrections and Juvenile Justice  
**Creating a system of alternative incarceration.**  
 02/10/2016 Senate—Introduced—SJ 1837  
 02/11/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—  
 SJ 1847  
 02/12/2016 Senate—Hearing: Wednesday, February 17, 2016, 9:30 AM Room 118-  
 N  
 06/01/2016 Senate—Died in Committee
- S 436** Bill by Senators Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan,  
 Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn,  
 Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook,  
 Powell, Pyle, Smith, Tyson, Wagle, Wilborn  
**Prioritizing moneys spent for entities that provide family planning services.**  
 02/10/2016 Senate—Introduced—SJ 1837  
 02/11/2016 Senate—Referred to Committee on Public Health and Welfare—SJ  
 1847  
 02/11/2016 Senate—Withdrawn from Committee on Public Health and Welfare;  
 Referred to Committee on Ways and Means—SJ 1863  
 02/23/2016 Senate—Hearing: Wednesday, March 02, 2016, 10:30 AM Room 548-S  
 03/09/2016 Senate—Committee Report recommending bill be passed by Committee  
 on Ways and Means—SJ 2027  
 03/21/2016 Senate—Committee of the Whole - Be passed—SJ 2156  
 03/22/2016 Senate—Final Action - Passed; Yea: 32 Nay: 8—SJ 2162  
 03/22/2016 House—Received and Introduced—HJ 2384  
 03/23/2016 House—Referred to Committee on Appropriations—HJ 2396  
 06/01/2016 House—Died in House Committee
- S 437** Bill by Federal and State Affairs  
**Simon's Law; withholding life sustaining treatment for persons under 18 years  
 of age; parent or legal guardian consent.**  
 02/10/2016 Senate—Introduced—SJ 1838  
 02/11/2016 Senate—Referred to Committee on Public Health and Welfare—SJ  
 1847  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 1:30 PM Room 118-N  
 03/11/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Public Health and Welfare—SJ 2048  
 03/21/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2156  
 03/22/2016 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 2163  
 03/22/2016 House—Received and Introduced—HJ 2384  
 03/23/2016 House—Referred to Committee on Health and Human Services—HJ  
 2396  
 04/27/2016 House—Withdrawn from Committee on Health and Human Services;  
 Referred to Committee on Federal and State Affairs—HJ 2456  
 06/01/2016 House—Died in House Committee
- S 438** Bill by Financial Institutions and Insurance  
**Renewals of property and casualty insurance policies.**  
 02/10/2016 Senate—Introduced—SJ 1838  
 02/11/2016 Senate—Referred to Committee on Financial Institutions and Insurance  
 —SJ 1847  
 02/12/2016 Senate—Hearing: Tuesday, February 16, 2016, 9:30 AM Room 546-S

- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1914
- 02/22/2016 Senate—Committee of the Whole - Be passed as amended—SJ 1940
- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1958
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Insurance and Financial Institutions—HJ 2191
- 03/15/2016 House—Hearing: Wednesday, March 16, 2016, 3:30 PM Room 218-N
- 03/18/2016 House—Committee Report recommending bill be passed by Committee on Insurance and Financial Institutions—HJ 2317
- 03/21/2016 House—Committee of the Whole - Be passed—HJ 2347
- 03/22/2016 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 2378
- 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016
- 03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016
- S 439** Bill by Senators Fitzgerald, Abrams, Arpke, Baumgardner, Donovan, Holmes, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Powell, Pyle, Smith, Tyson
- Grounds for impeachment of justices of the supreme court and certain judges of the district court.**
- 02/10/2016 Senate—Introduced—SJ 1838
- 02/11/2016 Senate—Referred to Committee on Judiciary—SJ 1847
- 02/22/2016 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 1930
- 02/23/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 1966
- 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 346-S
- 03/11/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 2047
- 03/21/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2156
- 03/22/2016 Senate—Final Action - Passed as amended; Yea: 21 Nay: 19—SJ 2163
- 03/22/2016 House—Received and Introduced—HJ 2384
- 03/23/2016 House—Referred to Committee on Judiciary—HJ 2396
- 06/01/2016 House—Died in House Committee
- S 440** Bill by Senator King
- Substitute for SB 440 by Committee on Judiciary – Supreme court general administrative authority over judicial branch.**
- 02/10/2016 Senate—Introduced—SJ 1838
- 02/11/2016 Senate—Referred to Committee on Judiciary—SJ 1847
- 02/12/2016 Senate—Hearing: Monday, February 15, 2016, 10:30 AM Room 346-S
- 02/19/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 1921
- 02/22/2016 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1945
- 02/23/2016 Senate—Final Action - Substitute passed as amended; Yea: 28 Nay: 9—SJ 1959
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Judiciary—HJ 2191

- 03/03/2016 House—Hearing: Tuesday, March 08, 2016, 3:30 PM Room 112-N  
 06/01/2016 House—Died in House Committee
- S 441** Bill by Senators Hensley, Faust-Goudeau, Francisco, Hawk, Holland, Kelly, Pettey  
**Granting county boards of commissioners authority to appoint county election commissioners.**  
 02/10/2016 Senate—Introduced—SJ 1838  
 02/11/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1847  
 06/01/2016 Senate—Died in Committee
- S 442** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey  
**Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.**  
 02/10/2016 Senate—Introduced—SJ 1839  
 02/11/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1847  
 06/01/2016 Senate—Died in Committee
- S 443** Bill by Senators Haley, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Official state of Kansas "cage elevator."**  
 02/10/2016 Senate—Introduced—SJ 1839  
 02/11/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1847  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 144-S  
 03/03/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 2013  
 03/10/2016 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 2033  
 03/11/2016 House—Received and Introduced—HJ 2239  
 03/14/2016 House—Referred to Committee on Vision 2020—HJ 2260  
 03/15/2016 House—Hearing: Wednesday, March 16, 2016, 9:00 AM Room 218-N  
 03/18/2016 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Vision 2020—HJ 2332  
 03/23/2016 House—Final Action - Passed; Yea: 80 Nay: 41—HJ 2405  
 04/27/2016 Senate—Enrolled and presented to Governor on Friday, April 01, 2016—SJ 2239  
 04/27/2016 Senate—Approved by Governor on Wednesday, April 06, 2016—SJ 2237
- S 444** Bill by Assessment and Taxation  
**Creating a language assessment program for children who are deaf or hard of hearing.**  
 02/11/2016 Senate—Introduced—SJ 1845  
 02/12/2016 Senate—Referred to Committee on Education—SJ 1865  
 02/15/2016 Senate—Hearing: Thursday, February 18, 2016, 1:30 PM Room 144-S  
 03/07/2016 Senate—Hearing: Monday, March 07, 2016, 1:30 PM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 445** Bill by Public Health and Welfare  
**Client assessment, referral and evaluation program amendments.**  
 02/11/2016 Senate—Introduced—SJ 1845

- 02/12/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1865
- 02/15/2016 Senate—Hearing: Tuesday, February 16, 2016, 1:30 PM Room 118-N
- 02/23/2016 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 1966
- 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 2009
- 03/08/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 2025
- 03/17/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2090
- 03/17/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 2092
- 03/18/2016 House—Received and Introduced—HJ 2304
- 03/21/2016 House—Referred to Committee on Health and Human Services—HJ 2336
- 06/01/2016 House—Died in House Committee
- S 446** Bill by Public Health and Welfare  
**State psychiatric hospital catchment area definitions.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1865  
 02/15/2016 Senate—Hearing: Tuesday, February 16, 2016, 1:30 PM Room 118-N  
 02/23/2016 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 1966  
 03/02/2016 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Public Health and Welfare—SJ 2009
- 06/01/2016 Senate—Died in Committee
- S 447** Bill by Public Health and Welfare  
**Kansas behavioral health programs checkoff.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1865  
 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 9:30 AM Room 548-S
- 06/01/2016 Senate—Died in Committee
- S 448** Bill by Public Health and Welfare  
**Addiction counselor updates; Kansas department for aging and disability services treatment programs.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1865
- 06/01/2016 Senate—Died in Committee
- S 449** Bill by Public Health and Welfare  
**Kansas department for aging and disability services; powers, duties and functions.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1865  
 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1919  
 02/22/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1940

- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 33 Nay: 7—SJ 1960  
 03/02/2016 House—Received and Introduced—HJ 2187  
 03/03/2016 House—Referred to Committee on Health and Human Services—HJ 2191  
 03/04/2016 House—Hearing: Thursday, March 10, 2016, 1:30 PM Room 546-S  
 03/18/2016 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 2308  
 03/22/2016 House—Committee of the Whole - Be passed as amended—HJ 2385  
 03/23/2016 House—Final Action - Passed as amended; Yea: 97 Nay: 26—HJ 2412  
 03/23/2016 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator O'Donnell, Senator Bowers and Senator Kelly as conferees—SJ 2192  
 03/24/2016 House—Motion to accede adopted; Representative Hawkins, Representative Dove and Representative Ward appointed as conferees—HJ 2417  
 04/30/2016 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 2838  
 05/01/2016 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2722  
 06/01/2016 Senate—Enrolled and presented to Governor on Monday, May 09, 2016—SJ 3053  
 06/01/2016 Senate—Approved by Governor on Tuesday, May 17, 2016—SJ 3047
- S 450** Bill by Ways and Means  
**Prohibiting the adoption of sanctuary ordinances and resolutions by municipalities.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1865
- S 451** 06/01/2016 Senate—Died in Committee  
 Bill by Ways and Means  
**Consolidation of Wichita state university and Wichita area technical college.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Ways and Means—SJ 1865  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 452** Bill by Assessment and Taxation  
**Approval of budgets by taxing subdivisions; resolution and election requirements.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1865  
 06/01/2016 Senate—Died in Committee
- S 453** Bill by Corrections and Juvenile Justice  
**Creating a program for early release from incarceration for parents in certain cases.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1865  
 02/15/2016 Senate—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Judiciary—SJ 1872  
 02/16/2016 Senate—Hearing: Wednesday, February 17, 2016, 10:30 AM Room 346-S

- 02/18/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1915
- 02/22/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 1940
- 02/23/2016 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1960
- 03/02/2016 House—Received and Introduced—HJ 2187
- 03/03/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2191
- 06/01/2016 House—Died in House Committee
- S 454** Bill by Ways and Means  
**Amending court docket fees and charges.**  
 02/11/2016 Senate—Introduced—SJ 1846  
 02/12/2016 Senate—Referred to Committee on Judiciary—SJ 1865  
 02/15/2016 Senate—Hearing: Wednesday, February 17, 2016, 10:30 AM Room 346-S  
 02/18/2016 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1914  
 03/16/2016 Senate—Committee of the Whole - Be passed—SJ 2069  
 03/17/2016 Senate—Final Action - Passed; Yea: 30 Nay: 7—SJ 2086  
 03/18/2016 House—Received and Introduced—HJ 2304  
 03/21/2016 House—Referred to Committee on Judiciary—HJ 2336  
 06/01/2016 House—Died in House Committee
- S 455** Bill by Judiciary  
**Amending the Kansas cigarette and tobacco products act.**  
 02/11/2016 Senate—Introduced—SJ 1847  
 02/12/2016 Senate—Referred to Committee on Judiciary—SJ 1865  
 02/15/2016 Senate—Hearing: Wednesday, February 17, 2016, 10:30 AM Room 346-S  
 06/01/2016 Senate—Died in Committee
- S 456** Bill by Ways and Means  
**Electronic monitoring in adult care homes.**  
 02/15/2016 Senate—Introduced—SJ 1871  
 02/16/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1876  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 1:30 PM Room 118-N  
 03/22/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 2178  
 06/01/2016 Senate—Died on General Orders
- S 457** Bill by Ways and Means  
**Nursing home quality care assessment rate and sunset.**  
 02/15/2016 Senate—Introduced—SJ 1871  
 02/16/2016 Senate—Referred to Committee on Ways and Means—SJ 1876  
 03/07/2016 Senate—Hearing: Tuesday, March 08, 2016, 10:30 AM Room 548-S  
 03/10/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 2036  
 03/16/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2069  
 03/17/2016 Senate—Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 2086  
 03/18/2016 House—Received and Introduced—HJ 2304  
 03/21/2016 House—Referred to Committee on Appropriations—HJ 2336

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/22/2016 House—Hearing: Wednesday, March 23, 2016, 1:30 PM Room 112-N  
06/01/2016 House—Died in House Committee
- S 458** Bill by Federal and State Affairs  
**Beer sales by grocery stores and convenience stores; if weak beer is no longer available.**  
02/16/2016 Senate—Introduced—SJ 1874  
02/17/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1882  
06/01/2016 Senate—Died in Committee
- S 459** Bill by Federal and State Affairs  
**Fire extinguisher inspections; fireworks manufacturers, distributors and display operations; license fees eliminated.**  
02/16/2016 Senate—Introduced—SJ 1874  
02/17/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1882  
03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 144-S  
03/03/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 2013  
03/10/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2031  
03/10/2016 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 2034  
03/11/2016 House—Received and Introduced—HJ 2239  
03/14/2016 House—Referred to Committee on Federal and State Affairs—HJ 2260  
03/15/2016 House—Hearing: Thursday, March 17, 2016, 9:00 AM Room 346-S  
03/17/2016 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 2300  
03/21/2016 House—Committee of the Whole - Be passed—HJ 2347  
03/22/2016 House—Final Action - Passed; Yea: 122 Nay: 3—HJ 2379  
03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016  
03/24/2016 Senate—Approved by Governor on Thursday, March 31, 2016
- S 460** Bill by Ways and Means  
**Social and rehabilitative institutions; appointment of superintendents, physicians, employees and staff.**  
02/16/2016 Senate—Introduced—SJ 1874  
02/17/2016 Senate—Referred to Committee on Ways and Means—SJ 1882  
03/14/2016 Senate—Hearing: Wednesday, March 16, 2016, 10:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 461** Bill by Federal and State Affairs  
**Requiring the attorney general to investigate and prosecute cases relating to the death of a person caused by a law enforcement officer.**  
02/17/2016 Senate—Introduced—SJ 1882  
02/18/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1897  
06/01/2016 Senate—Died in Committee
- S 462** Bill by Federal and State Affairs  
**Substitute for SB 462 by Senate Committee on Federal and State Affairs - Concerning civil procedure and the protection from stalking act.**  
02/17/2016 Senate—Introduced—SJ 1882  
02/18/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1897  
03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 144-S

- 03/10/2016 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 2035
- 03/23/2016 Senate—Committee of the Whole - Substitute bill be passed—SJ 2184
- 03/23/2016 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 2186
- 03/24/2016 House—Received and Introduced—HJ 2416
- 04/27/2016 House—Referred to Committee on Judiciary—HJ 2456
- 06/01/2016 House—Died in House Committee
- S 463** Bill by Ways and Means  
**Abolishing the expanded lottery act revenues fund, the Kansas endowment for youth fund, the children's initiative fund, the state economic development initiatives fund; all revenues into such funds go into the state general fund; other transfers to the state general fund; duties of Kansas children's cabinet.**
- 02/17/2016 Senate—Introduced—SJ 1882
- 02/18/2016 Senate—Referred to Committee on Ways and Means—SJ 1897
- 03/07/2016 Senate—Hearing: Tuesday, March 08, 2016, 10:30 AM Room 548-S
- 06/01/2016 Senate—Died in Committee
- S 464** Bill by Assessment and Taxation  
**Amending the school classification system of the Kansas state high school activities association.**
- 02/17/2016 Senate—Introduced—SJ 1882
- 02/18/2016 Senate—Referred to Committee on Education—SJ 1897
- 06/01/2016 Senate—Died in Committee
- S 465** Bill by Ways and Means  
**Use of certain controlled substances to treat binge eating authorized.**
- 02/17/2016 Senate—Introduced—SJ 1882
- 02/18/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1897
- 03/07/2016 Senate—Hearing: Tuesday, March 08, 2016, 1:30 PM Room 118-N
- 03/21/2016 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 2144
- 06/01/2016 Senate—Died on General Orders
- S 466** Bill by Ways and Means  
**Amending the criminal penalties for domestic battery.**
- 02/18/2016 Senate—Introduced—SJ 1896
- 02/22/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 1928
- 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 9:30 AM Room 118-N
- 06/01/2016 Senate—Died in Committee
- S 467** Bill by Ways and Means  
**Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.**
- 02/18/2016 Senate—Introduced—SJ 1896
- 02/22/2016 Senate—Referred to Committee on Judiciary—SJ 1929
- 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 346-S
- 06/01/2016 Senate—Died in Committee
- S 468** Bill by Ways and Means  
**Authorizing the creation of entertainment districts for the consumption of alcoholic beverages.**
- 02/18/2016 Senate—Introduced—SJ 1896

- 02/22/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1928  
 06/01/2016 Senate—Died in Committee
- S 469** Bill by Ways and Means  
**Recertification of professional employees' organizations under the professional negotiations act.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Commerce—SJ 1928  
 03/07/2016 Senate—Hearing: Wednesday, March 09, 2016, 8:30 AM Room 548-S  
 03/10/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 2035  
 03/23/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2183  
 03/23/2016 Senate—Final Action - Passed as amended; Yea: 22 Nay: 18—SJ 2186  
 03/24/2016 House—Received and Introduced—HJ 2416  
 04/27/2016 House—Referred to Committee on Appropriations—HJ 2456  
 06/01/2016 House—Died in House Committee
- S 470** Bill by Ways and Means  
**Establishing the intercollegiate adaptive sport grant program.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Education—SJ 1928  
 03/08/2016 Senate—Hearing: Thursday, March 10, 2016, 1:30 PM Room 144-S  
 06/01/2016 Senate—Died in Committee
- S 471** Bill by Federal and State Affairs  
**Expanding advance voting and placing indications of citizenship on driver's licenses and nondriver identification cards.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Ethics and Elections—SJ 1928  
 06/01/2016 Senate—Died in Committee
- S 472** Bill by Federal and State Affairs  
**Prohibiting discrimination against family caregivers.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1929  
 06/01/2016 Senate—Died in Committee
- S 473** Bill by Ways and Means  
**Amending the chemigation fee and excepting certain users from chemigation permit requirements.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Natural Resources—SJ 1929  
 06/01/2016 Senate—Died in Committee
- S 474** Bill by Ways and Means  
**Authorizing the state finance council to oversee any sale of the Kansas bioscience authority or substantially all of its assets.**  
 02/18/2016 Senate—Introduced—SJ 1896  
 02/22/2016 Senate—Referred to Committee on Ways and Means—SJ 1929  
 02/23/2016 Senate—Hearing: Wednesday, March 02, 2016, 10:30 AM Room 548-S  
 03/10/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 2036  
 03/16/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2069

- 03/17/2016 Senate—Final Action - Passed as amended; Yea: 34 Nay: 4—SJ 2086  
 03/18/2016 House—Received and Introduced—HJ 2304  
 03/21/2016 House—Referred to Committee on Taxation—HJ 2336  
 03/22/2016 House—Hearing: Thursday, March 24, 2016, 8:00 AM Room 582-N  
 06/01/2016 House—Died in House Committee
- S 475** Bill by Federal and State Affairs  
**Requiring performance and payment bonds for certain public construction contracts.**  
 02/18/2016 Senate—Introduced—SJ 1897  
 02/22/2016 Senate—Referred to Committee on Ways and Means—SJ 1929  
 03/21/2016 Senate—Hearing: Tuesday, March 22, 2016, 1:00 PM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 476** Bill by Federal and State Affairs  
**Bourbon county commission; authorization to order financial audit of fire districts.**  
 02/22/2016 Senate—Introduced—SJ 1928  
 02/23/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1947  
 03/02/2016 Senate—Hearing: Thursday, March 03, 2016, 10:30 AM Room 144-S  
 03/04/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 2014  
 03/10/2016 Senate—Committee of the Whole - Be passed as further amended—SJ 2032  
 03/10/2016 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 2035  
 03/11/2016 House—Received and Introduced—HJ 2239  
 03/14/2016 House—Referred to Committee on Federal and State Affairs—HJ 2260  
 06/01/2016 House—Died in House Committee
- S 477** Bill by Federal and State Affairs  
**Establishing legislative oversight of state psychiatric hospitals.**  
 02/22/2016 Senate—Introduced—SJ 1928  
 02/23/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 1947  
 03/11/2016 Senate—Hearing: Monday, March 14, 2016, 1:30 PM Room 118-N  
 03/21/2016 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 2144  
 06/01/2016 Senate—Died on General Orders
- S 478** Bill by Federal and State Affairs  
**Abolishing the death penalty and creating the crime of aggravated murder.**  
 02/23/2016 Senate—Introduced—SJ 1947  
 03/02/2016 Senate—Referred to Committee on Judiciary—SJ 1968  
 06/01/2016 Senate—Died in Committee
- S 479** Bill by Federal and State Affairs  
**Prohibiting the possession of a firearm by certain individuals.**  
 03/03/2016 Senate—Introduced—SJ 2010  
 03/04/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 2014  
 03/08/2016 Senate—Hearing: Thursday, March 10, 2016, 10:30 AM Room 144-S  
 03/10/2016 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 2035  
 06/01/2016 Senate—Died on General Orders

- S 480** Bill by Federal and State Affairs  
**Amending search and seizure parameters for parole and postrelease supervision.**  
 03/03/2016 Senate—Introduced—SJ 2010  
 03/04/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 2014  
 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 9:30 AM Room 118-N  
 03/18/2016 Senate—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—SJ 2118  
 03/23/2016 Senate—Committee of the Whole - Be passed—SJ 2183  
 03/23/2016 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 2187  
 03/24/2016 House—Received and Introduced—HJ 2416  
 04/27/2016 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2456  
 06/01/2016 House—Died in House Committee
- S 481** Bill by Federal and State Affairs  
**Amending restrictions on the location of facilities for transitional or conditional release under the Kansas sexually violent predator act.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Judiciary—SJ 2014  
 03/11/2016 Senate—Hearing: Monday, March 14, 2016, 10:30 AM Room 346-S  
 03/15/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 2063  
 06/01/2016 Senate—Died on General Orders
- S 482** Bill by Federal and State Affairs  
**Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Judiciary—SJ 2014  
 06/01/2016 Senate—Died in Committee
- S 483** Bill by Federal and State Affairs  
**Adding and amending substances included in schedules I, III and IV of the uniform controlled substances act.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 2014  
 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 9:30 AM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 484** Bill by Federal and State Affairs  
**Approving a cigarette and tobacco sales and taxation compact between the Prairie Band Potawatomi Nation and the state of Kansas.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 2014  
 03/07/2016 Senate—Hearing: Monday, March 07, 2016, 10:30 AM Room 144-S  
 03/07/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 2019  
 03/10/2016 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 2029  
 03/15/2016 Senate—Committee of the Whole - Be passed—SJ 2064  
 03/15/2016 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 2065

(SJ and HJ Nos. refer to 2015 and 2016 Senate and House Journals)

- 03/16/2016 House—Received and Introduced—HJ 2278  
 03/17/2016 House—Referred to Committee on Federal and State Affairs—HJ 2285  
 03/17/2016 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 2300  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2343  
 03/22/2016 House—Final Action - Passed; Yea: 125 Nay: 0—HJ 2379  
 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016  
 03/24/2016 Senate—Approved by Governor on Wednesday, April 06, 2016
- S 485** Bill by Federal and State Affairs  
**Approving a cigarette and tobacco sales and taxation compact between Iowa Tribe of Kansas and Nebraska and the state of Kansas.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 2014  
 03/07/2016 Senate—Hearing: Monday, March 07, 2016, 10:30 AM Room 144-S  
 03/07/2016 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 2019  
 03/10/2016 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 2029  
 03/15/2016 Senate—Committee of the Whole - Be passed—SJ 2064  
 03/15/2016 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 2066  
 03/16/2016 House—Received and Introduced—HJ 2278  
 03/17/2016 House—Referred to Committee on Federal and State Affairs—HJ 2285  
 03/17/2016 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 2300  
 03/21/2016 House—Committee of the Whole - Be passed—HJ 2343  
 03/22/2016 Senate—Final Action - Passed; Yea: 125 Nay: 0—HJ 2380  
 03/24/2016 Senate—Enrolled and presented to Governor on Monday, March 28, 2016  
 03/24/2016 Senate—Approved by Governor on Wednesday, April 06, 2016
- S 486** Bill by Federal and State Affairs  
**Kansas act against discrimination; family caregiver status.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 2014  
 06/01/2016 Senate—Died in Committee
- S 487** Bill by Ways and Means  
**Open meetings; justifications for closed or executive meetings.**  
 03/03/2016 Senate—Introduced—SJ 2011  
 03/04/2016 Senate—Referred to Committee on Judiciary—SJ 2014  
 06/01/2016 Senate—Died in Committee
- S 488** Bill by Federal and State Affairs  
**Utility franchises in redevelopment districts that encompass federal enclaves.**  
 03/07/2016 Senate—Introduced—SJ 2016  
 03/08/2016 Senate—Referred to Committee on Commerce—SJ 2022  
 06/01/2016 Senate—Died in Committee
- S 489** Bill by Ways and Means  
**Hemp oil treatments for specified medical conditions.**  
 03/07/2016 Senate—Introduced—SJ 2016

- 03/08/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 2022
- 03/08/2016 Senate—Hearing: Thursday, March 10, 2016, 1:30 PM Room 118-N  
03/21/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 2144
- 06/01/2016 Senate—Died on General Orders
- S 490** Bill by Ways and Means  
**Adding dry needling to the physical therapy scope of practice.**  
03/07/2016 Senate—Introduced—SJ 2016  
03/08/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 2022
- 03/08/2016 Senate—Hearing: Wednesday, March 09, 2016, 1:30 PM Room 118-N  
03/17/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 2103
- 06/01/2016 Senate—Died on General Orders
- S 491** Bill by Ways and Means  
**Department of agriculture division of water resources; groundwater management; rules and regulations; court procedures; position of chief engineer; impairment.**  
03/07/2016 Senate—Introduced—SJ 2016  
03/08/2016 Senate—Referred to Committee on Natural Resources—SJ 2022  
03/10/2016 Senate—Hearing: Friday, March 11, 2016, 8:30 AM Room 159-S  
06/01/2016 Senate—Died in Committee
- S 492** Bill by Ways and Means  
**Requiring notification for cancellation of motor vehicle insurance policy.**  
03/08/2016 Senate—Introduced—SJ 2021  
03/09/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 2026
- 06/01/2016 Senate—Died in Committee
- S 493** Bill by Federal and State Affairs  
**Providing for community finance fees and other administrative cost recovery fees for the department of commerce.**  
03/08/2016 Senate—Introduced—SJ 2021  
03/09/2016 Senate—Referred to Committee on Commerce—SJ 2026  
03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 8:30 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 494** Bill by Ways and Means  
**Consolidating the payrolls of the state educational institutions and the state board of regents.**  
03/08/2016 Senate—Introduced—SJ 2021  
03/09/2016 Senate—Referred to Committee on Ways and Means—SJ 2027  
03/09/2016 Senate—Hearing: Friday, March 11, 2016, 10:00 AM Room 548-S  
06/01/2016 Senate—Died in Committee
- S 495** Bill by Ways and Means  
**Eliminating medical assistance coverage for elective induced labor prior to 39 weeks of pregnancy.**  
03/08/2016 Senate—Introduced—SJ 2021  
03/09/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 2926

- 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 1:30 PM Room 118-N  
 03/21/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Public Health and Welfare—SJ 2155  
 06/01/2016 Senate—Died on General Orders
- S 496** Bill by Ways and Means  
**Healing arts exempt license status for telemedicine providers.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Public Health and Welfare—SJ  
 2026  
 06/01/2016 Senate—Died in Committee
- S 497** Bill by Ways and Means  
**Birth risk factor screening for pregnant women.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Public Health and Welfare—SJ  
 2026  
 03/11/2016 Senate—Hearing: Wednesday, March 16, 2016, 1:30 PM Room 118-N  
 06/01/2016 Senate—Died in Committee
- S 498** Bill by Ways and Means  
**Surplus real estate; authorizing a project management office.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Ways and Means—SJ 2027  
 03/09/2016 Senate—Hearing: Friday, March 11, 2016, 10:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 499** Bill by Ways and Means  
**Requiring school districts to strategically source specific spend categories  
 through the department of administration.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Ways and Means—SJ 2027  
 03/14/2016 Senate—Hearing: Monday, March 14, 2016, 11:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 500** Bill by Ways and Means  
**Eliminating the community service income tax credit program.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 2026  
 06/01/2016 Senate—Died in Committee
- S 501** Bill by Ways and Means  
**Establishing a non-discretionary performance based bonus program for state  
 employees.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Commerce—SJ 2026  
 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 8:30 AM Room 548-S  
 03/17/2016 Senate—Committee Report recommending bill be passed as amended  
 by Committee on Commerce—SJ 2094  
 06/01/2016 Senate—Died on General Orders
- S 502** Bill by Ways and Means  
**Kansas ideas festival by state employees for efficiency savings in state  
 government.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Commerce—SJ 2026  
 03/11/2016 Senate—Hearing: Tuesday, March 15, 2016, 8:30 AM Room 548-S

- 03/17/2016 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 2094
- 06/01/2016 Senate—Died on General Orders
- S 503** Bill by Ways and Means  
**Secretary of corrections establishing a program to incentivize the unification of community corrections and court services.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Corrections and Juvenile Justice—SJ 2026
- 06/01/2016 Senate—Died in Committee
- S 504** Bill by Ways and Means  
**Establishing the parole and community corrections nursing home task force.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Ways and Means—SJ 2027  
 03/14/2016 Senate—Hearing: Monday, March 14, 2016, 11:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 505** Bill by Ways and Means  
**School finance; general state aid adjustment for unencumbered cash balances.**  
 03/08/2016 Senate—Introduced—SJ 2021  
 03/09/2016 Senate—Referred to Committee on Ways and Means—SJ 2027  
 03/09/2016 Senate—Hearing: Friday, March 11, 2016, 10:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 506** Bill by Ways and Means  
**Concerning economic development, HPIP credit and required training.**  
 03/08/2016 Senate—Introduced—SJ 2022  
 03/09/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 2026  
 06/01/2016 Senate—Died in Committee
- S 507** Bill by Assessment and Taxation  
**Allowing individuals to operate a sailboat during instruction led classes.**  
 03/09/2016 Senate—Introduced—SJ 2026  
 03/10/2016 Senate—Referred to Committee on Transportation—SJ 2029  
 06/01/2016 Senate—Died in Committee
- S 508** Bill by Assessment and Taxation  
**Limiting the subtraction modification on business income for certain individuals who have materially participated in the operation of the business for income tax purposes.**  
 03/11/2016 Senate—Introduced—SJ 2043  
 03/14/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 2052  
 04/27/2016 Senate—Hearing: Thursday, April 28, 2016, 9:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee
- S 509** Bill by Ways and Means  
**Establishing a budget stabilization fund in the state treasury; revenue and expenditures; review of risk-based practices by the legislative budget committee.**  
 03/14/2016 Senate—Introduced—SJ 2051  
 03/15/2016 Senate—Referred to Committee on Ways and Means—SJ 2058  
 03/16/2016 Senate—Hearing: Thursday, March 17, 2016, 10:30 AM Room 548-S  
 03/21/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 2155  
 03/23/2016 Senate—Committee of the Whole - Be passed as amended—SJ 2183

- 03/23/2016 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 2187  
 03/24/2016 House—Received and Introduced—HJ 2416  
 04/27/2016 House—Referred to Committee on Appropriations—HJ 2456  
 06/01/2016 House—Died in House Committee
- S 510** Bill by Ways and Means  
**Eliminating criminal and professional penalties for medical marijuana.**  
 03/14/2016 Senate—Introduced—SJ 2051  
 03/15/2016 Senate—Referred to Committee on Public Health and Welfare—SJ 2058  
 06/01/2016 Senate—Died in Committee
- S 511** Bill by Ways and Means  
**Prohibiting the state employees health care commission from changing coverage options under the state health care benefits program in effect for the 2016 plan year without prior legislative approval.**  
 03/14/2016 Senate—Introduced—SJ 2051  
 03/15/2016 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 2058  
 06/01/2016 Senate—Died in Committee
- S 512** Bill by Ways and Means  
**Court ordered redistribution of district funds act.**  
 03/14/2016 Senate—Introduced—SJ 2052  
 03/15/2016 Senate—Referred to Committee on Ways and Means—SJ 2058  
 03/15/2016 Senate—Hearing: Wednesday, March 16, 2016, 10:30 AM Room 548-S  
 03/17/2016 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 2105  
 03/21/2016 Senate—Committee of the Whole - Motion by Senator Denning to rerefer to Committee on Ways and Means passed—SJ 2157  
 06/01/2016 Senate—Died in Committee
- S 513** Bill by Ways and Means  
**Creating the student physical privacy act.**  
 03/16/2016 Senate—Introduced—SJ 2067  
 03/17/2016 Senate—Referred to Committee on Education—SJ 2082  
 06/01/2016 Senate—Died in Committee
- S 514** Bill by Ways and Means  
**Amendments to the CLASS Act regarding the authority to levy a tax for ancillary school facilities.**  
 03/22/2016 Senate—Introduced—SJ 2161  
 03/23/2016 Senate—Referred to Committee on Ways and Means—SJ 2180  
 06/01/2016 Senate—Died in Committee
- S 515** Bill by Ways and Means  
**Amendments to the CLASS Act regarding supplemental general state aid and capital outlay state aid.**  
 03/22/2016 Senate—Introduced—SJ 2161  
 03/23/2016 Senate—Referred to Committee on Ways and Means—SJ 2180  
 03/23/2016 Senate—Hearing: Wednesday, March 23, 2016, 8:00 AM Room 548-S  
 06/01/2016 Senate—Died in Committee

- S 516** Bill by Federal and State Affairs  
**Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.**  
03/22/2016 Senate—Introduced—SJ 2161  
04/29/2016 Senate—Referred to Committee on Ethics and Elections—SJ 2266  
04/30/2016 Senate—Motion to withdraw from Committee on Ethics and Elections pending  
04/30/2016 Senate—Motion to withdraw from Committee on Ethics and Elections not adopted; Yea: 8 Nay: 32—SJ 2503  
06/01/2016 Senate—Died in Committee
- S 517** Bill by Ways and Means  
**Reconciling amendments to certain statutes.**  
04/27/2016 Senate—Introduced—SJ 2236  
04/28/2016 Senate—Referred to Committee on Ways and Means—SJ 2240  
06/01/2016 Senate—Died in Committee
- S 518** Bill by Ways and Means  
**Amending the Kansas cigarette and tobacco products act.**  
04/29/2016 Senate—Introduced—SJ 2435  
04/30/2016 Senate—Referred to Committee on Ways and Means—SJ 2454  
06/01/2016 Senate—Died in Committee

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS  
INCLUDES SENATE CONCURRENT RESOLUTIONS  
CARRIED OVER FROM 2015 SESSION

- S 1602** Concurrent Resolution by Senator Holland  
**Urging congress to pass an amendment to the United States constitution to overturn the holding in Citizens United v. Federal Election Commission.**  
02/05/2015 Senate—Introduced—SJ 78  
02/06/2015 Senate—Referred to Committee on Ethics and Elections—SJ 86  
06/01/2016 Senate—Died in Committee
- S 1603** Concurrent Resolution by Senators Abrams, Arpke, Baumgardner, Donovan, Knox, LaTurner, Love, Masterson, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Wilborn  
**Making application to the U.S. congress to call a convention of the states.**  
02/13/2015 Senate—Introduced—SJ 112  
02/16/2015 Senate—Referred to Committee on Federal and State Affairs—SJ 114  
03/06/2015 Senate—Hearing: Thursday, March 12, 2015, 10:30 AM Room 144-S  
06/01/2016 Senate—Died in Committee
- S 1605** Concurrent Resolution by Ways and Means  
**A state constitutional amendment concerning public debt.**  
03/05/2015 Senate—Introduced—SJ 225  
03/06/2015 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 231  
06/01/2016 Senate—Died in Committee
- S 1606** Concurrent Resolution by Senators Pilcher-Cook, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wagle, Wilborn  
**Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.**  
05/27/2015 Senate—Introduced—SJ 777  
05/28/2015 Senate—Referred to Committee of the Whole—SJ 786  
06/01/2016 Senate—Died on General Orders
- S 1608** Concurrent Resolution by Transportation  
**Constitutional amendment limiting transfers from the state highway fund.**  
02/02/2016 Senate—Introduced—SJ 1799  
02/03/2016 Senate—Referred to Committee on Ways and Means—SJ 1802  
06/01/2016 Senate—Died in Committee
- S 1609** Concurrent Resolution by Senators Holland, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Pettey  
**Revising article 10 of the Kansas constitution; establishing a redistricting commission.**  
02/04/2016 Senate—Introduced—SJ 1816  
02/05/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1825  
06/01/2016 Senate—Died in Committee

- S 1610** Concurrent Resolution by Senators Masterson, Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn  
**Reaffirming 10th Amendment rights.**  
 02/09/2016 Senate—Introduced—SJ 1831  
 02/10/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1840  
 02/23/2016 Senate—Withdrawn from Committee on Federal and State Affairs and referred to Committee of the Whole—SJ 1966  
 03/21/2016 Senate—Committee of the Whole - Be adopted—SJ 2157  
 03/22/2016 Senate—Final Action - Adopted; Yea: 37 Nay: 3—SJ 2165  
 03/22/2016 House—Received and Introduced—HJ 2384  
 03/23/2016 House—Referred to Committee on Federal and State Affairs—HJ 2396  
 06/01/2016 House—Died in House Committee
- S 1611** Concurrent Resolution by Senator Kerschen  
**Applying to Congress for a limited amendments convention to overturn the holding in Citizens United v. Federal Election Commission.**  
 02/10/2016 Senate—Introduced—SJ 1839  
 02/11/2016 Senate—Referred to Committee on Federal and State Affairs—SJ 1847  
 06/01/2016 Senate—Died in Committee
- S 1612** Concurrent Resolution by Senators Holland, Hensley, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, LaTurner, Longbine, O'Donnell, Olson, Wolf  
**Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.**  
 02/16/2016 Senate—Introduced—SJ 1875  
 02/17/2016 Senate—Referred to Committee on Assessment and Taxation—SJ 1882  
 03/18/2016 Senate—Withdrawn from Committee on Assessment and Taxation and referred to Committee of the Whole—SJ 2107  
 03/22/2016 Senate—Motion by Senator Holland to advance SCR 1612 above the line. Motion failed. Yea: 21 Nay: 19—SJ 2170  
 06/01/2016 Senate—Died on General Orders
- S 1613** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Adjournment of legislature for a time during the 2016 session.**  
 03/24/2016 Senate—Introduced—SJ 2234  
 03/24/2016 Senate—Adopted without roll call—SJ 2235  
 03/24/2016 House—Received and Introduced—HJ 2429  
 03/24/2016 House—Adopted without roll call—HJ 2429  
 04/27/2016 Senate—Enrolled and presented to Secretary of State on Wednesday, April 27, 2016—SJ 2239

## TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1755** Resolution by Senators Wagle, Bruce, Hensley  
**Organization of the Senate, 2016.**  
 01/11/2016 Senate—Introduced—SJ 1752  
 01/11/2016 Senate—Adopted without roll call—SJ 1752  
 01/12/2016 Senate—Enrolled on Tuesday, January 12, 2016—SJ 1759
- S 1756** Resolution by Senator Ostmeyer  
**Congratulating and commending Northwest Kansas Technical College for being selected as an Apple Distinguished School for 2015-2017.**  
 01/20/2016 Senate—Introduced—SJ 1772  
 01/20/2016 Senate—Adopted without roll call—SJ 1772  
 01/21/2016 Senate—Enrolled on Thursday, January 21, 2016—SJ 1776
- S 1757** Resolution by Senators Abrams, Arpke  
**Congratulating and commending the members of the 2016 Kansas Teacher of the Year team.**  
 01/27/2016 Senate—Introduced—SJ 1784  
 01/27/2016 Senate—Adopted without roll call—SJ 1784  
 01/29/2016 Senate—Enrolled on Friday, January 29, 2016—SJ 1794
- S 1758** Resolution by Senators Tyson, Abrams, Bowers, Denning, Donovan, Fitzgerald, Haley, Hawk, Kelly, Longbine, Love, Petersen, Pettey, Powell, V. Schmidt, Wilborn, Wolf  
**Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.**  
 02/03/2016 Senate—Introduced—SJ 1802  
 02/03/2016 Senate—Adopted without roll call—SJ 1803  
 02/05/2016 Senate—Enrolled on Friday, February 05, 2016—SJ 1826
- S 1759** Resolution by Senators Faust-Goudeau, Holmes  
**Recognizing the Kansas Board of Emergency Medical Services for its work in ensuring that quality out-of-hospital care is available throughout the state of Kansas.**  
 02/04/2016 Senate—Introduced—SJ 1820  
 02/04/2016 Senate—Adopted without roll call—SJ 1822  
 02/05/2016 Senate—Enrolled on Friday, February 05, 2016—SJ 1826
- S 1760** Resolution by Senator McGinn  
**Recognizing February 5, 2016, as National Wear Red Day.**  
 02/04/2016 Senate—Introduced—SJ 1822  
 02/04/2016 Senate—Adopted without roll call—SJ 1823  
 02/05/2016 Senate—Enrolled on Friday, February 05, 2016—SJ 1826
- S 1761** Resolution by Senators Kerschen, Bowers, Donovan, Hawk, Kelly, McGinn, O'Donnell, V. Schmidt, Tyson, Wilborn, Wolf  
**Designating February 9, 2016, as Kansas MS Action Day.**  
 02/09/2016 Senate—Introduced—SJ 1832  
 02/09/2016 Senate—Adopted without roll call—SJ 1833  
 02/12/2016 Senate—Enrolled on Friday, February 12, 2016—SJ 1869

- S 1762** Resolution by Senator Pilcher-Cook  
**Recognizing the Kansas Donated Dental Services Program's 20 years of service.**  
 02/11/2016 Senate—Introduced—SJ 1847  
 02/11/2016 Senate—Adopted without roll call—SJ 1847  
 02/12/2016 Senate—Enrolled on Friday, February 12, 2016—SJ 1869
- S 1763** Resolution by Senators Hawk, Bowers  
**Congratulating and commending Lindy Richardson Lindquist for being inducted into the National 4-H Hall of Fame.**  
 02/15/2016 Senate—Introduced—SJ 1872  
 02/15/2016 Senate—Adopted without roll call—SJ 1873  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926
- S 1764** Resolution by Senator Abrams  
**Congratulating and commending the 2015 Kansas National Board Certified Teachers.**  
 02/16/2016 Senate—Introduced—SJ 1876  
 02/16/2016 Senate—Adopted without roll call—SJ 1877  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926
- S 1765** Resolution by Senator Abrams  
**Congratulating and commending the 2016 Kansas Horizon Award Program educators.**  
 02/16/2016 Senate—Introduced—SJ 1877  
 02/16/2016 Senate—Adopted without roll call—SJ 1878  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926
- S 1766** Resolution by Senator Abrams  
**Congratulating and commending the Kansas recipient of the 2015 Milken Educator Award.**  
 02/16/2016 Senate—Introduced—SJ 1878  
 02/16/2016 Senate—Adopted without roll call—SJ 1879  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926
- S 1767** Resolution by Senators Pettey, Fitzgerald, Haley  
**Congratulating Dr. Cynthia Lane on being named Kansas Superintendent of the Year.**  
 02/17/2016 Senate—Introduced—SJ 1883  
 02/17/2016 Senate—Adopted without roll call—SJ 1884  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926
- S 1768** Resolution by Senators V. Schmidt, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf  
**Honoring the life and memory of Andrea Burton.**  
 02/18/2016 Senate—Introduced—SJ 1897  
 02/18/2016 Senate—Adopted without roll call—SJ 1898  
 02/19/2016 Senate—Enrolled on Friday, February 19, 2016—SJ 1926

- S 1769** Resolution by Senators Lynn, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.**  
 02/22/2016 Senate—Introduced—SJ 1929  
 02/22/2016 Senate—Adopted without roll call—SJ 1929  
 02/23/2016 Senate—Enrolled on Tuesday, February 23, 2016—SJ 1967
- S 1770** Resolution by Senators Petersen, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Honoring and recognizing Kansans who are Korean War Veterans.**  
 02/23/2016 Senate—Introduced—SJ 1947  
 02/23/2016 Senate—Adopted without roll call—SJ 1948  
 02/23/2016 Senate—Enrolled on Tuesday, February 23, 2016—SJ 1967
- S 1771** Resolution by Senator Ostmeyer  
**Recognizing the patriotism and contributions of Veterans Service Organizations and families of veterans.**  
 02/23/2016 Senate—Introduced—SJ 1949  
 02/23/2016 Senate—Adopted without roll call—SJ 1949  
 02/23/2016 Senate—Enrolled on Tuesday, February 23, 2016—SJ 1967
- S 1772** Resolution by Senators Faust-Goudeau, Petersen  
**Recognizing Addison's Army Against Melanoma for its work educating and spreading awareness about melanoma skin cancer.**  
 03/03/2016 Senate—Introduced—SJ 2012  
 03/03/2016 Senate—Adopted without roll call—SJ 2012  
 03/04/2016 Senate—Enrolled on Friday, March 04, 2016—SJ 2014
- S 1773** Resolution by Senator Abrams  
**Congratulating and commending Mark Farley, firefighter and paramedic, on his retirement.**  
 03/07/2016 Senate—Introduced—SJ 2018  
 03/07/2016 Senate—Adopted without roll call—SJ 2018  
 03/11/2016 Senate—Enrolled on Friday, March 11, 2016—SJ 2049
- S 1774** Resolution by Senators Holland, Abrams, Arpke, Baumgardner, Bowers, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt, Wilborn, Wolf  
**Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.**  
 03/08/2016 Senate—Introduced—SJ 2022  
 03/08/2016 Senate—Adopted without roll call—SJ 2023  
 03/11/2016 Senate—Enrolled on Friday, March 11, 2016—SJ 2049

- S 1775** Resolution by Senator V. Schmidt  
**Designating May 2016 as Cystic Fibrosis Awareness Month.**  
 03/08/2016 Senate—Introduced—SJ 2023  
 03/08/2016 Senate—Adopted without roll call—SJ 2024  
 03/11/2016 Senate—Enrolled on Friday, March 11, 2016—SJ 2049
- S 1776** Resolution by Senator V. Schmidt  
**Recognizing the importance of meningococcal disease awareness and prevention.**  
 03/10/2016 Senate—Introduced—SJ 2030  
 03/10/2016 Senate—Adopted without roll call—SJ 2031  
 03/11/2016 Senate—Enrolled on Friday, March 11, 2016—SJ 2049
- S 1777** Resolution by Senators Petersen, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Commemorating the 75th Anniversary of Civil Air Patrol.**  
 03/14/2016 Senate—Introduced—SJ 2053  
 03/14/2016 Senate—Adopted without roll call—SJ 2055  
 03/17/2016 Senate—Enrolled on Thursday, March 17, 2016—SJ 2106
- S 1778** Resolution by Senator V. Schmidt  
**Commemorating the 75th Birthday of M&M'S® Brand Chocolate Candies in the State of Kansas and designating the month of March as M&M'S® Brand Chocolate Candies Month.**  
 03/15/2016 Senate—Introduced—SJ 2058  
 03/15/2016 Senate—Adopted without roll call—SJ 2059  
 03/17/2016 Senate—Enrolled on Thursday, March 17, 2016—SJ 2106
- S 1779** Resolution by Senators Tyson, Baumgardner, Bowers, Denning, Fitzgerald, Francisco, Hawk, Hensley, Holmes, Kelly, King, Longbine, McGinn, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt, Wilborn  
**Commemorating Osawatomie State Hospital's 150th Anniversary.**  
 03/15/2016 Senate—Introduced—SJ 2059  
 03/15/2016 Senate—Adopted without roll call—SJ 2060  
 03/17/2016 Senate—Enrolled on Thursday, March 17, 2016—SJ 2106
- S 1780** Resolution by Senators Arpke, Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf  
**Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.**  
 03/16/2016 Senate—Introduced—SJ 2068  
 03/16/2016 Senate—Adopted without roll call—SJ 2068  
 03/17/2016 Senate—Enrolled on Thursday, March 17, 2016—SJ 2106

- S 1781** Resolution by Senators Holland, Haley, Lynn  
**Urging the Kansas congressional delegation to work with operators of Kansas wineries and the TTB to apply for and achieve AVA status for one or more regions within the state.**  
 03/17/2016 Senate—Introduced—SJ 2083  
 03/17/2016 Senate—Adopted without roll call—SJ 2084  
 03/21/2016 Senate—Enrolled on Monday, March 21, 2016—SJ 2160
- S 1782** Resolution by Senator Petersen  
**Honoring and commending Officer Larry Hampton for his bravery in the line of duty.**  
 03/21/2016 Senate—Introduced—SJ 2142  
 03/21/2016 Senate—Adopted without roll call—SJ 2143  
 03/21/2016 Senate—Enrolled on Monday, March 21, 2016—SJ 2160
- S 1783** Resolution by Senators Hensley, Wagle, Arpke, Baumgardner, Bowers, Bruce, Faust-Goudeau, Haley, Hawk, Holland, Kelly, King, LaTurner, Longbine, Love, Masterson, Olson, Pettey, Pyle, V. Schmidt, Smith, Wolf  
**Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.**  
 03/21/2016 Senate—Introduced—SJ 2141  
 03/21/2016 Senate—Adopted without roll call—SJ 2142  
 03/21/2016 Senate—Enrolled on Monday, March 21, 2016—SJ 2160
- S 1784** Resolution by Senators Haley, Pettey  
**Congratulating and commending the KCKCC Women's Basketball team on winning the 2016 NJCAA Division II Championship.**  
 03/23/2016 Senate—Introduced—SJ 2181  
 03/23/2016 Senate—Adopted without roll call—SJ 2182  
 03/24/2016 Senate—Enrolled on Thursday, March 24, 2016—SJ 2235
- S 1785** Resolution by Senator Melcher  
**Congratulating and commending Lauren Browning on receiving a 2016 Prudential Spirit of Community Award for exemplary volunteer service.**  
 03/24/2016 Senate—Introduced—SJ 2223  
 03/24/2016 Senate—Adopted without roll call—SJ 2223  
 03/24/2016 Senate—Enrolled on Thursday, March 24, 2016—SJ 2235
- S 1786** Resolution by Senator Hensley  
**Congratulating and commending the Osage City High School boys' basketball team and Coach Dennis Fort for winning the 2016 KSHSAA Class 3A State Basketball Championship.**  
 04/27/2016 Senate—Introduced—SJ 2238  
 04/27/2016 Senate—Adopted without roll call—SJ 2238  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1787** Resolution by Senator Powell  
**Supporting Taiwan's participation in international trade agreements and international organizations and reaffirming Kansas' commitment to its relationship with Taiwan.**  
 04/28/2016 Senate—Introduced—SJ 2242  
 04/28/2016 Senate—Adopted without roll call—SJ 2243  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452

- S 1788 Resolution by Senator Ostmeyer  
**Congratulating the Colby Public High School wrestling team on winning the 2016 Class 4A State Wrestling Championship.**  
 04/29/2016 Senate—Introduced—SJ 2267  
 04/29/2016 Senate—Adopted without roll call—SJ 2267  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1789 Resolution by Senator Ostmeyer  
**Congratulating the Norton Community High School wrestling team on winning the 2016 Class 3-2-1A State Wrestling Championship.**  
 04/29/2016 Senate—Introduced—SJ 2267  
 04/29/2016 Senate—Adopted without roll call—SJ 2268  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1790 Resolution by Federal and State Affairs  
**Recognizing cowboys as part of a unique culture integral to the state of Kansas.**  
 04/29/2016 Senate—Introduced—SJ 2416  
 04/29/2016 Senate—Adopted without roll call—SJ 2416  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1791 Resolution by Senator Hensley  
**Withdrawn**  
 06/01/2016 Senate—Introduced  
 06/01/2016 Senate—Withdrawn
- S 1792 Resolution by Senator Ostmeyer  
**Congratulating and commending Bob Davis on his outstanding sports broadcasting career and retirement; and designating April 28, 2016, as Bob Davis Day.**  
 04/28/2016 Senate—Introduced—SJ 2241  
 04/28/2016 Senate—Adopted without roll call—SJ 2242  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1793 Resolution by Senators Petersen, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, O'Donnell, V. Schmidt, Wagle  
**Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.**  
 04/28/2016 Senate—Introduced—SJ 2244  
 04/28/2016 Senate—Adopted without roll call—SJ 2245  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1794 Resolution by Senators Abrams, Bowers, Haley, Kerschen, Love, Powell  
**Congratulating and commending the 2016 Kansas Distinguished Financial Educator Award recipients.**  
 04/29/2016 Senate—Introduced—SJ 2416  
 04/29/2016 Senate—Adopted without roll call—SJ 2417  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452
- S 1795 Resolution by Senator Kelly  
**Congratulating and commending Alexis Tibbits on receiving a 2016 Gates Millennium Scholarship.**  
 04/29/2016 Senate—Introduced—SJ 2417  
 04/29/2016 Senate—Adopted without roll call—SJ 2418  
 04/29/2016 Senate—Enrolled on Friday, April 29, 2016—SJ 2452

- S 1796** Resolution by Senator Pettey  
**Congratulating and commending Zainab Dafalla on receiving a 2016 Gates Millennium Scholarship.**  
 04/30/2016 Senate—Introduced—SJ 2454  
 04/30/2016 Senate—Adopted without roll call—SJ 2455  
 05/01/2016 Senate—Enrolled on Sunday, May 01, 2016—SJ 3045
- S 1797** Resolution by Senator Pettey  
**Congratulating and commending Darion Stafford on receiving a 2016 Gates Millennium Scholarship.**  
 04/30/2016 Senate—Introduced—SJ 2455  
 04/30/2016 Senate—Adopted without roll call—SJ 2456  
 05/01/2016 Senate—Enrolled on Sunday, May 01, 2016—SJ 3045
- S 1798** Resolution by Senators Wagle, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Tyson, Wilborn, Wolf  
**Supporting student privacy and safety.**  
 06/01/2016 Senate—Introduced—SJ 3051  
 06/01/2016 Senate—Final Action - Adopted; Yea: 30 Nay: 8—SJ 3052  
 06/01/2016 Senate—Enrolled on Wednesday, June 01, 2016—SJ 305

FINAL  
**SENATE CALENDAR**

No. 55

**JANUARY 11, 2016 THROUGH ADJOURNMENT JUNE 1, 2016**

**NUMERICAL SCHEDULE OF SENATE BILLS  
 CARRIED OVER FROM 2015 SESSION**

1 Died, Com	53 Died, Com	92 Died, Com
2 Died, Com	H Sub	94 Died, Com
3 Died, Com	55 Signed, St Bk	96 Died, Com
6 Died, H Com	56 Died, H Com	97 Stricken, H Cal
9 Died, Com	57 Died, H Com	98 Died, H Com
16 Died, Com	H Sub	Sub
17 Stricken, H Cal	58 Stricken, H Cal	99 Signed, Pub 4/14/16
H Sub for Sub	H Sub	100 Died, Com
18 Stricken, H Cal	59 Died, H Gen Orders	102 Died, Com
19 Signed, St Bk	Sub	Sub
20 Stricken, Cal	60 Died, H Com	103 Signed, St Bk
Sub	61 Died, Com	104 Stricken, Cal
22 Signed, St Bk	62 Died, H Com	H Sub
23 Died, H Com	H Sub	106 Stricken, H Cal
24 Died, H Com	63 Killed, House	107 Died, Com
25 Died, Com	CCR Not Adopted	110 Died, Com
26 Stricken, Cal	H Sub	111 Died, Com
H Sub	64 Died, H Gen Orders	114 Died, Com
29 Died, H Gen Orders	H Sub for Sub	115 Died, Com
30 Stricken, Cal	65 Died, H Gen Orders	116 Died, Com
31 Died, H Com	66 Died, Com	118 Died, Com
32 Stricken, Cal	67 Died, Com	119 Died, Com
33 Died, Com	69 Died, Com	121 Died, H Com
35 Died, Com	71 Died, Com	122 Died, Com
37 Died, Com	75 Died, Com	H Sub
40 Died, Com	79 Died, Com	125 Stricken, H Cal
41 Died, Com	80 Died, Com	H Sub
42 Died, H Com	81 Died, Com	128 Signed, St Bk
H Sub	83 Died, Com	129 Died, Com
44 Signed, St Bk	85 Died, Com	130 Died, Com
48 Died, H Com	86 Died, H Com	Sub
49 Died, Com	87 Died, Com	131 Died, H Gen Orders
50 Died, Com	88 Died, Com	132 Died, Com

133 Signed, St Bk	173 Died, Com	217 Died, Com
134 Died, Com	174 Died, Com	218 Died, Com
135 Died, Com	175 Signed, St Bk	219 Stricken, Cal
H Sub	176 Died, Com	221 Died, Com
136 Stricken, H Cal	177 Died, Com	222 Died, Com
137 Died, Com	178 Died, Com	223 Died, Com
138 Died, Com	179 Died, Com	224 Signed, St Bk
139 Died, Com	180 Died, H Com	225 Signed, St Bk
140 Stricken, Cal	181 Died, H Com	226 Died, Com
141 Died, Com	Sub	H Sub
143 Died, Com	182 Died, H Com	227 Signed, St Bk
144 Died, Com	185 Died, Com	229 Died, Com
145 Died, Com	186 Died, Com	230 Died, Com
146 Died, Com	187 Died, Com	231 Died, Com
147 Died, Com	188 Killed, H Fin Act	232 Stricken, Cal
H Sub	190 Died, H Com	233 Died, Com
149 Signed, St Bk	191 Died, Com	234 Stricken, Cal
151 Died, Com	192 Died, Com	235 Died, Com
152 Died, Com	H Sub	236 Died, Com
153 Died, Com	193 Signed, St Bk	237 Died, Com
Sub	194 Died, Com	238 Died, Com
155 Died, H Com	195 Died, Com	239 Died, H Com
158 Died, Com	196 Died, Com	241 Died, H Gen Orders
H Sub	197 Died, H Com	242 Died, H Gen Orders
159 Stricken, H Cal	198 Died, Com	243 Died, H Gen Orders
160 Died, Com	199 Died, Com	244 Died, H Com
H Sub	200 Died, Com	H Sub
161 Signed, Line Item	201 Died, Com	245 Signed, St Bk
Veto, Sustained	202 Died, Com	246 Died, H Com
Pub 3/31/16	203 Died, Com	247 Signed, St Bk
162 Died, Com	204 Died, Com	248 Signed, St Bk
163 Died, Com	205 Died, Com	H Sub
164 Died, Com	207 Died, Com	249 Signed, Line Item
165 Died, Com	208 Died, Com	Vetoed, Sustained
166 Died, Com	209 Died, Com	Pub 6/9/16
167 Died, Com	210 Died, Com	250 Vetoed,
H Sub	211 Died, Com	Sustained
168 Signed, St Bk	212 Died, Com	251 Died, Com
169 Died, Com	213 Died, Com	253 Died, Com
Sub	215 Died, H Com	254 Died, Com
171 Died, H Com	H Sub for Sub	H Sub
172 Died, Com	216 Died, H Gen Orders	255 Signed, St Bk

256 Died, Com	Sub	294 Died, Com
257 Died, Com	277 Died, H Com	295 Died, Com
258 Died, Com	278 Signed, St Bk	296 Died, Com
259 Died, Com	279 Died, Com	297 Died, Com
260 Died, Com	H Sub	298 Died, Com
261 Died, Com	280 Vetoed, Overridden	299 Died, Com
262 Died, Com	Pub, St Bk	300 Died, Com
263 Died, Com	281 Died, Com	301 Stricken, Cal
264 Died, Com	282 Died, Com	302 Died, Com
265 Died, Com	283 Stricken, Cal	304 Died, Com
266 Died, Com	284 Died, Com	305 Died, Com
268 Died, Com	285 Died, Com	306 Died, Com
269 Died, Com	286 Died, Com	307 Died, Com
271 Died, H Com	287 Died, Com	308 Died, Com
272 Died, Com	288 Died, H Com	309 Died, Com
273 Died, Com	289 Died, Com	310 Died, Com
274 Died, H Com	291 Died, Com	311 Died, Com
275 Died, Com	292 Died, Com	

**NUMERICAL SCHEDULE OF SENATE BILLS  
2016 SESSION**

312 Signed, St Bk	334 Signed, St Bk	355 Died, Com
313 Died, H Gen Orders	Sub	Sub
314 Signed, Pub 4/14/16	335 Died, H Com	356 Died, H Com
315 Died, Com	336 Died, Com	357 Died, Com
316 Died, Com	H Sub	358 Signed, St Bk
317 Died, Com	337 Signed, St Bk	359 Died, H Com
318 Signed, Pub 5/19/16	338 Vetoed, Sustained	360 Died, Com
319 Signed, St Bk	339 Died, Com	361 Stricken, H Cal
320 Stricken, Cal	340 Died, Com	362 Signed, St Bk
321 Signed, Pub 5/19/16	341 Died, H Com	363 Died, H Com
322 Died, Com	342 Died, H Com	364 Died, Com
Sub	343 Died, Com	365 Stricken, H Cal
323 Signed, Pub 5/19/16	344 Died, Com	366 Signed, St Bk
324 Died, Com	345 Died, Com	367 Signed, St Bk
325 Signed, St Bk	346 Died, Com	368 Died, Com
326 Signed, St Bk	347 Died, Com	369 Signed, St Bk
327 Died, Com	348 Died, Com	370 Stricken, H Cal
328 Died, Com	349 Signed, Pub 4/21/16	371 Died, Com
329 Signed, St Bk	350 Died, Com	372 Died, H Com
330 Signed, St Bk	351 Died, Com	373 Signed, St Bk
331 Died, Com	352 Signed, St Bk	374 Died, H Com
332 Died, Com	353 Died, H Com	375 Stricken, H Cal
333 Died, Com	354 Died, Com	376 Signed, Pub 3/31/16

377 Died, Com	419 Died, H Com	461 Died, Com
378 Stricken, Cal	420 Died, Com	Sub
379 Died, H Com	421 Died, H Com	462 Died, H Com
380 Died, Com	422 Died, H Com	463 Died, Com
381 Died, Com	423 Signed, St Bk	464 Died, Com
382 Stricken, H Cal	424 Died, H Com	465 Died, Gen Orders
383 Died, Com	425 Died, Com	466 Died, Com
384 Died, Com	426 Stricken, H Cal	467 Died, Com
385 Died, Com	427 Died, Com	468 Died, Com
386 Died, Com	Sub	469 Died, H Com
387 Signed, Pub 5/12/16	428 Died, H Gen Orders	470 Died, Com
388 Died, CCR	429 Died, Com	471 Died, Com
Not Adopted	430 Died, Com	472 Died, Com
389 Died, Com	431 Died, Com	473 Died, Com
390 Signed, St Bk	432 Died, Com	474 Died, H Com
391 Died, H Com	433 Died, Com	475 Died, Com
392 Signed, St Bk	434 Died, Com	476 Died, H Com
393 Died, H Com	435 Died, Com	477 Died, Gen Orders
394 Died, Com	436 Died, H Com	478 Died, Com
395 Died, H Com	437 Died, H Com	479 Died, Gen Orders
396 Died, Com	438 Signed, St Bk	480 Died, H Com
397 Died, Com	439 Died, H Com	481 Died, Gen Orders
398 Died, Com	Sub	482 Died, Com
399 Died, Com	440 Died, H Com	483 Died, Com
400 Died, Com	441 Died, Com	484 Signed, Pub 4/21/16
401 Died, Com	442 Died, Com	485 Signed, Pub 4/21/16
H Sub	443 Signed, St Bk	486 Died, Com
402 Signed, St Bk	444 Died, Com	487 Died, Com
403 Died, Com	445 Died, H Com	488 Died, Com
404 Died, H Com	446 Died, Com	489 Died, Gen Orders
405 Stricken, H Cal	447 Died, Com	490 Died, Gen Orders
406 Died, Com	448 Died, Com	491 Died, Com
407 Signed, St Bk	449 Signed, St Bk	492 Died, Com
408 Signed, St Bk	450 Died, Com	493 Died, Com
409 Died, Com	451 Died, Com	494 Died, Com
410 Died, H Com	452 Died, Com	495 Died, Gen Orders
411 Died, Com	453 Died, H Com	496 Died, Com
412 Signed, St Bk	454 Died, H Com	497 Died, Com
413 Died, Com	455 Died, Com	498 Died, Com
414 Died, Gen Orders	456 Died, Gen Orders	499 Died, Com
415 Died, H Com	457 Died, H Com	500 Died, Com
416 Died, Com	458 Died, Com	501 Died, Gen Orders
417 Died, Com	459 Signed, St Bk	502 Died, Gen Orders
418 Signed, St Bk	460 Died, Com	503 Died, Com

504 Died, Com	509 Died, H Com	514 Died, Com
505 Died, Com	510 Died, Com	515 Died, Com
506 Died, Com	511 Died, Com	516 Died, Com
507 Died, Com	512 Died, Com	517 Died, Com
508 Died, Com	513 Died, Com	518 Died, Com

**NUMERICAL SCHEDULE OF  
SENATE CONCURRENT RESOLUTIONS CARRIED OVER  
FROM 2015 SESSION**

1602 Died, Com	1605 Died, Com
1603 Died, Com	1606 Died, Gen Orders

**NUMERICAL SCHEDULE OF  
SENATE CONCURRENT RESOLUTIONS  
2016 SESSION**

1608 Died, Com	1610 Died, H Com	1612 Died, Gen Orders
1609 Died, Com	1611 Died, Com	1613 Adopted & Enr

**NUMERICAL SCHEDULE OF RESOLUTIONS  
2016 SESSION**

1755 Adopted & Enr	1770 Adopted & Enr	1785 Adopted & Enr
1756 Adopted & Enr	1771 Adopted & Enr	1786 Adopted & Enr
1757 Adopted & Enr	1772 Adopted & Enr	1787 Adopted & Enr
1758 Adopted & Enr	1773 Adopted & Enr	1788 Adopted & Enr
1759 Adopted & Enr	1774 Adopted & Enr	1789 Adopted & Enr
1760 Adopted & Enr	1775 Adopted & Enr	1790 Adopted & Enr
1761 Adopted & Enr	1776 Adopted & Enr	1791 Withdrawn
1762 Adopted & Enr	1777 Adopted & Enr	1792 Adopted & Enr
1763 Adopted & Enr	1778 Adopted & Enr	1793 Adopted & Enr
1764 Adopted & Enr	1779 Adopted & Enr	1794 Adopted & Enr
1765 Adopted & Enr	1780 Adopted & Enr	1795 Adopted & Enr
1766 Adopted & Enr	1781 Adopted & Enr	1796 Adopted & Enr
1767 Adopted & Enr	1782 Adopted & Enr	1797 Adopted & Enr
1768 Adopted & Enr	1783 Adopted & Enr	1798 Adopted & Enr
1769 Adopted & Enr	1784 Adopted & Enr	

**SENATE ACTION ON HOUSE BILLS CARRIED OVER  
FROM 2015 SESSION**

S Sub	S Sub	2164 CCR Adopted
2008 CCR Adopted	2088 CCR Adopted	S Sub
S Sub	2089 Died, S Com	2177 Died, Conf
2018 Pass Am, H Con	2091 Died, S Com	2191 Died, S Com
2029 Died, S Com	S Sub	2197 Died, S Com
S Sub	2096 Died, S Com	2260 Died, S Com
2049 CCR Adopted	S Sub	2268 Died, Conf
Sub	2112 CCR Adopted	S Sub
2054 Died, S Com	S Sub	2285 Pass Am, H Con
S Sub	Sub	Sub
2056 CCR Adopted	2115 Died, S Gen Orders	2289 Pass Am, H Con
S Sub	2125 Died, S Com	2341 Died, S Com
2059 Died, Conf	S Sub	S Sub
Sub	2131 Pass Am, H Con	2365 CCR Adopted
2062 Pass Am, H Con	2134 CCR Adopted	2369 Died, S Com
2063 Died, S Com	Sub	S Sub
2065 Died, S Com	2151 CCR Adopted	2382 Died, S Gen Orders
S Sub	S Sub	2387 Pass Am, H Con
2074 Pass Am	2156 CCR Adopted	
2087 Died, S Com	2163 CCR Adopted	

**SENATE ACTION ON HOUSE BILLS  
2016 SESSION**

2436 CCR Adopted	Sub	2536 Passed
2438 Passed	2473 CCR Adopted	2545 CCR Adopted
S Sub	S Sub	2547 Died, Conf
2441 Died, Conf	2479 Died, S Cal	2549 Passed
2442 Passed	2480 Pass Am, H Con	2553 Died, S Com
2446 CCR Adopted	2483 Died, S Com	2558 Pass Am, H Con
2447 Pass Am, H Con	2485 Passed	2563 CCR Adopted
2449 Passed	2489 Died, S Com	2567 Passed
2454 Passed	2490 CCR Adopted	2571 Pass Am
2456 CCR Adopted	2501 CCR Adopted	2573 Died, S Cal
2460 CCR Adopted	2502 CCR Adopted	2576 Died, S Com
2462 CCR Adopted	S Sub	2578 Died, S Com
2463 CCR Adopted	2509 CCR Adopted	2582 Died, S Com
2464 Died, S Com	2512 Passed	2595 Died, S Com
2467 Died, S Com	2516 Passed	2605 Died, S Com
2468 Died, S Com	2518 Passed	2607 Died, S Com
2469 Died, S Com	2522 CCR Adopted	2610 CCR Adopted
2471 Died, S Com	2534 Died, S Com	2615 CCR Adopted

2617 CCR Adopted	S Sub	2696 CCR Adopted
2620 Died, S Com	2655 Pass Am, H Con	2713 Died, S Com
2622 CCR Adopted	2660 Died, S Com	2724 Died, S Com
2632 CCR Adopted	2662 Died, Conf	2739 CCR Adopted
2643 Died, S Com	2665 Died, S Com	

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS  
CARRIED OVER FROM 2015 SESSION**

5008 Adopted

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS  
2016 SESSION**

5020 Adopted	5024 Adopted	5026 Adopted
5021 Adopted	5025 Adopted	5027 Adopted
5022 Died, S Com		

**SUMMARY OF ACTIONS ON SENATE BILLS  
AND SENATE RESOLUTIONS**

**Senate Bills**

Senate bills introduced in the 2016 Session .....	207
Senate bills carried over from 2015 Session .....	<u>238</u>
TOTAL .....	445
Senate bills signed by Governor .....	56
Senate bills becoming law without Governor's signature .....	0
Senate bills vetoed by the Governor .....	3
(SB 250, Veto Sustained; H Sub 280, Veto Overridden; SB 338, Veto Sustained)	
Senate bills line-item vetoed by the Governor.....	2
(H Sub SB 161, Veto Sustained; H Sub SB 249, Veto Sustained)	
Senate bills killed in Senate .....	0
Senate bills that died on Senate Calendar .....	25
Senate bills that died in Senate Committees .....	268
Senate bills killed in House .....	0
Senate bills that died on House Calendar .....	31
Senate bills that died in House Committees .....	58
Senate bills that died in Conference Committees .....	<u>2</u>
TOTAL .....	445

**Senate Concurrent Resolutions**

Senate concurrent resolutions introduced in 2016 Session .....	6
Senate concurrent resolutions carried over from 2015 Session .....	<u>4</u>
TOTAL .....	10
Senate concurrent resolutions adopted by both houses .....	1
Senate concurrent resolutions killed in Senate .....	0
Senate concurrent resolutions that died on Senate Calendar .....	2
Senate concurrent resolutions that died in Senate Committees .....	6
Senate concurrent resolutions killed in House .....	0
Senate concurrent resolutions that died on House Calendar .....	0
Senate concurrent resolutions that died in House Committees .....	<u>1</u>
TOTAL .....	10

**Senate Resolutions**

Senate resolutions introduced in 2016 Session .....	44
Senate resolutions carried over from 2015 Session.....	<u>0</u>
TOTAL.....	44
Senate resolutions adopted .....	43
Senate resolutions killed in Senate .....	0
Senate resolutions withdrawn .....	1
Senate resolutions that died on Senate Calendar .....	0
Senate resolutions that died in Senate Committees .....	<u>0</u>
TOTAL.....	44

**STATUS OF BILLS AND RESOLUTIONS**

**Senate bills signed by the Governor:** Nos. 19, Sub 22, H Sub 44, H Sub 55, Sub 99, Sub 103, H Sub 128, 133, H Sub 149, H Sub 161, H Sub 168, 175, H Sub 193, 224, 225, H Sub 227, H Sub 245, 247, 248, H Sub 249, H Sub 255, 278, 312, 314, 318, 319, 321, Sub 323, 325, 326, 329, 330, 334, H Sub 337, 349, 352, 358, 362, 366, 367, 369, 373, 376, 387, 390, 392, H Sub 402, 407, 408, 412, 418, 423, 438, 443, 449, 459, 484, 485

**Senate bills signed by the Governor and published in Kansas Register:** Nos. Sub 99, 314, 318, 321, Sub 323, 349, 376, 387, 484, 485

**Senate bills vetoed by Governor:** Nos. 250, H Sub 280, 338

**Senate bills line-item vetoed by Governor and published in Kansas Register:** Nos. H Sub 161, H Sub 249

**Senate resolutions adopted:** Nos. 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1792, 1793, 1794, 1795, 1796, 1797, 1798

**Senate concurrent resolutions adopted by both Houses:** No. 1613

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES  
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS  
2016 SENATE JOURNAL**

**APPOINTMENTS**

The Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, to serve as Chaplain of the Senate, page 1751.

**SR 1755**, relating to the organization of the Senate and appointments of Senators Susan Wagle, president; Jeff King, vice-president; Terry Bruce, majority leader; Anthony Hensley, minority leader; Corey Carnahan, secretary and Charles (Nick) Nicolay, sergeant at arms, page 1752.

**COMMUNICATIONS FROM STATE OFFICERS**

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2015 Regular Session of the Legislature:

The Kansas Public Employees Retirement System submitted its annual financial report, its alternative investment report, and also its annual report regarding KPERs investments in Sudan, page 1755.

The Office of the Attorney General submitted its annual report of the Consumer Protection and Antitrust Division and also its annual report of the Kansas State Child Death Review Board, page 1755.

The Kansas Housing Resources Corporation submitted its audited financial statements for the fiscal year ending June 30, 2015, page 1755.

The Johnson County Research Triangle Authority submitted its annual financial report, page 1755.

The Kansas Development Finance Authority submitted its financial statements for years ended June 30, 2015 and 2014 and its independent auditor's report, page 1755.

The Pooled Money Investment Board submitted its annual report for fiscal year 2015, page 1755.

The Central Interstate Low-Level Radioactive Waste Commission submitted its annual report, page 1755.

The Kansas Department of Corrections submitted its annual report, page 1755.

Executive Directive No. 15-463 and 15-466 through 15-469, authorizing expenditure of federal funds, page 1755.

Executive Directive No. 15-464, authorizing fund transfers, page 1756.

Executive Directive No. 15-465 and 15-470, authorizing personnel transactions, page 1756.

Executive Order 15-05, preservation and protection of religious freedom, page 1756.

Executive Order 15-06, designation of the KansasWorks state board as the state workforce development board, page 1756.

Executive Order 15-07 and 16-01, protecting Kansas from Terrorism, page 1756.

Office of Kansas Attorney General Derek Schmidt, Clint Blaes, Director of Communications, submitted the 2015 Annual Report for the Abuse, Neglect and Exploitation Unit, page 1759.

Kansas Corporation Commission, submitted the Abandoned Oil and Gas Well and Remediation Status Report; the Annual Report on Land Spreading; the Annual Price Deregulation Report; the Biennial Report on Electric Supply and Demand; and the Annual Report of the Public Utilities and Common Carriers, page 1759.

Kansas Electric Transmission Authority, Earnest A. Lehman, Chairman, submitted the Board of the Kansas Electric Transmission Authority (KETA) report of the Authority's tenth full year of activities, page 1759.

Kansas Commission on Disability Concerns, Martha K. Gabehart, Executive Director, submitted the Kansas Commission on Disability Concerns FY 2015 Annual Report, page 1761.

President Susan Wagle appointed Patrick George, Cimarron, to the Kansas Bioscience Authority, page 1765.

Senator Anthony Hensley appointed Kenneth D. Buchele to the Kansas Bioscience Authority Board of Directors, page 1768.

Kansas State Employees Health Care Commission, Mike Michael, Director, submitted the Kansas State Employees Health Commission 2015 Annual Report, page 1775.

Kansas State Treasurer, Ron Estes submitted the 2015 Annual Report for the Kansas State Treasurer's Office, page 1775.

Kansas Bureau of Investigation Director, Kirk D. Thompson, submitted the 2015 Kansas Bureau of Investigation State Forfeiture Fund Annual Report, page 1775.

Board of Indigents' Defense Services submitted the 2015 Annual Report, page 1776.

Kansas Highway Patrol, Mark Bruce, Superintendent, submitted the 2015 Kansas Highway Patrol Annual Report, page 1777.

Department for Aging and Disability Services, Timothy E. Keck, Interim Secretary, submitted the 2015 Annual Report of the Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program, page 1782.

Board of Pharmacy, Alexandra Blasi, JD, MBA, Executive Secretary, submitted the Report on Substances Proposed for Scheduling, Rescheduling or Deletion, page 1782.

Honorable Frank J. Yeoman, Jr., Chair, Board of Directors, Kansas Guardianship Program, submitted the 2015 Annual Report of the Kansas Guardianship Program, page 1825.

Elaine Frisbie, Kansas Board of Regents, submitted the 2015 Annual Report on University Admissions, page 1825.

Commissioner of Insurance Ken Selzer, CPA, submitted the 2015 Annual Report of the Kansas Workers Compensation Fund, page 1825.

Department of Administration, Barbara J. Hickert, State Long-Term Care Ombudsman, submitted the 2015 Kansas Long-Term Care Ombudsman Annual Report, page 1828.

Kansas Corporation Commission, Samir Arif, submitted the 2016 Retail Rate Impact Report, page 1921.

Kansas Department of Commerce, Matt Keith, submitted the 2015 STAR Bonds Annual Report, page 1921.

Department of Health and Environment Secretary and State Health Officer Susan Mosier, submitted the FY 2015 report of the Pregnancy Maintenance Initiative program, page 2011.

Kansas Insurance Department, Ken Selzer, Commissioner of Insurance, submitted the 2015 Annual Report of the Kansas Insurance Department, page 2027.

Kansas Attorney General, Derek Schmidt, submitted the fiscal year 2015 Annual Report of the Crime Victims Compensation Board, page 3049.

Executive Director, Ruth Glover, Kansas Human Rights Commission, submitted the Kansas Human Rights Commission Annual Report for fiscal year 2015, page 3049.

**CONFIRMATION OF APPOINTMENTS**

Consideration of confirmation of appointments, pages 1788, 1789, 1790, 1791, 1884, 1885, 2221, 2222.

**MESSAGES FROM THE GOVERNOR**

Submitting for confirmation: Donald Brownlee, Berryton, Executive Director, Racing and Gaming Commission; Dennis Mullin, Manhattan, Regent, Board of Regents; David Murfin, Wichita, Regent, Board of Regents; and Daniel Thomas, Mission Hills, Regent, Board of Regents, page 1753.

Submitting for confirmation: Alana Roethle, Leawood, Member, Kansas Lottery Commission; Catherine Moyer, Ulysses, Member, Kansas Lottery Commission; Jan Kessinger, Leawood, Member, Racing and Gaming Commission; Devin Sprecker, Lyndon, Member, State Board of Tax Appeals; Michael Rogers, Manhattan, Member, Kansas Public Employees Retirement Board of Trustees; Raymond Melugin, Wichita, Member, State Civil Service Board; and Chris Donnelly, Tonganoxie, Member, Kansas Development Finance Authority, page 1754.

Submitting for confirmation: Antonio Soave, Overland Park, Secretary, Department of Commerce; Sarah Shipman, Topeka, Secretary, Department of Administration, page 1764.

Submitting for confirmation: James Cooper, Wichita, Member, State Board of Tax Appeals; Devin Sprecker, Lyndon, Member, State Board of Tax Appeals; Valorie Jacobs, Arkansas City, Member, Employment Security Board of Review, page 1765.

Executive action Regarding Compacts with Tribal Nations was transmitted to the Legislature for the required approvals pursuant to applicable law, page 1969.

Submitting for confirmation: Paul Beck, Ness City, Member, State Board of Indigent Defense Services; Harold Schorn, Jr., Newton, Member, Human Rights Commission; Melvin Neufeld, Garden City, Member, Human Rights Commission; Robba Moran, Manhattan, Member, University of Kansas Hospital Authority; Mark Uhlig, Leawood, Member, University of Kansas Hospital Authority; and Brian Weisel, Salina, Member, State Banking Board, page 2052.

Submitting for confirmation: James Washington, Basehor, Member, Kansas Lottery Commission, page 2053.

**VETO MESSAGES**

Veto message regarding **H Sub SB 161**, concerning line-item veto pertaining to Department of Commerce Star Bonds, Sections 35(g) and 36(f), vetoed in their entirety; Department for Aging and Disability Service – Mental Health Screenings, Section 48(o) vetoed in its entirety, page 2017.

Veto overridden regarding **H Sub SB 161**, concerning line-item veto pertaining to Department of Commerce Star Bonds, Sections 35(g) and 36(f), page 2061.

Veto sustained regarding **H Sub SB 161**, concerning line item veto of Department for Aging and Disability Service – Mental Health Screenings, Section 48(o), page 2062.

Veto message regarding **SB 250**, concerning the Docking State Office Building, vetoed in its entirety, page 2017.

Veto sustained regarding **SB 250**, page 2060.

Veto message regarding **H Sub SB 249**, concerning line-item veto pertaining to Department of Aging and Disability Services – Mental Health Screenings, Section 20(b), vetoed in its entirety; KPERS – Transfer of Tobacco Litigation Settlement Revenue, Section 50(c), vetoed in its entirety, page 3048.

Veto sustained regarding **H Sub SB 249**, concerning line-item veto pertaining to Department of Aging and Disability Services – Mental Health Screenings, Section 20(b), vetoed in its entirety; KPERS – Transfer of Tobacco Litigation Settlement Revenue, Section 50(c), page 3050.

Veto message regarding **H Sub SB 280**, concerning the veto of the entire bill, page 3047.

Veto overridden regarding **H Sub SB 280**, page 3050.

Veto message regarding **SB 338**, concerning the veto of the entire bill, page 2237.

Veto sustained regarding **SB 338**, page 3012.

### SPECIAL EVENTS AND GUESTS

President Wagle introduced Melissa Seabaugh who will serve as Reader for the 2016 legislative session, page 1751.

Guest Chaplain Randy Lesseski, Central Park Christian Church, Topeka, delivered the invocation, pages 1758, 1769.

President Susan Wagle introduced new staff serving in the Senate for the 2016 legislative session: Harriet Lange, desk clerk; Bill Uhner and Larry Perry, doormen, page 1758.

Guest Chaplain Bishop Carl Kemme, Catholic Diocese of Wichita, delivered the invocation, page 1761.

Guest Chaplain Chris Halverson, who previously served as Chaplain in the United States Senate, delivered the invocation, page 1763.

Guest Chaplain Frank Eschmann, Fellowship Bible Church, Topeka, delivered the invocation, page 1771.

Guest Chaplain Pastor Nick Strobel, Fellowship Bible Church, Topeka, delivered the invocation, page 1774.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce Barbara Fuller and Betty Arnold, members of the Sedgwick County School Board, page 1774.

Guest Chaplain Pastor Gary Roten, delivered the invocation, page 1779.

Guest Chaplain Pastor Carl Frazier, Southwest Baptist Church, Topeka, delivered the invocation, pages 1781, 1783.

Senator Longbine rose on a Point of Personal Privilege to introduce Allison Garrett, new President of Emporia State University, page 1781.

Senators Abrams and Arpke congratulated and commended members of the 2016 Kansas Teacher of the Year team. Members of the team include Justin Coffey, Dodge City USD 443, Kansas Teacher of the Year, and the regional finalists: Kristoffer R. Barikmo, Blue Valley USD 229; Lucinda M. Crenshaw, Lawrence USD 497; Shelly Jennings, Maize USD 266; Sheila E. Koup, Eureka USD 389; Nona Mason, Goodland USD 352; B. Jolene Pennington, Paola USD 368; and Anna Sahadeo, De Soto USD 232, page 1784.

Guest Chaplain Reverend Jeff Clinger, First United Methodist Church, Topeka, delivered the invocation, page 1787.

President Wagle introduced the Topeka High School Madrigals who performed the National Anthem and Kansas State song, Home on the Range, page 1787.

Senator Ostmeyer rose on a Point of Personal Privilege to introduce members of the Prairie Band Pottawatomie National Tribal Council. Guests were: Lianna Onnen, Council Chairwoman; Joyce Guerrero, Vice Chair; Camilla Chouteau, Secretary; Hattie Mitchell, Treasurer; Carrie O'Toole, Council Member and Thomas Wabnum, Council Member, page 1801.

Senator Tyson congratulated and commended Kristin Wright for being named the 2015-2016 outstanding School Counselor of the Year. Guests introduced were: Kristin Wright, Wes Wright, Della Simoneau, Larry Simoneau, Megan Wright, Justin Wright, Matt Weller, Sally Lee, Robert Moran, Kelly Hughes and Marvalée Collins, page 1802.

Senators Faust-Goudeau and Holmes recognized the Kansas Board of Emergency Medical Services. Guests introduced were Dennis Franks, Rick James, Jeri Smith, Joe House, Dr. Joel Hornung, Chad Pore, Shane Pearson and John Ralston, page 1820.

Senator Schmidt recognized February 5, 2016, as National Wear Red Day. Guests introduced were Caroline Meyer, Nanci Meyer, Kevin Walker, Tammie Tipton and Dennis Hower, page 1822.

Guest Chaplain Father Curtis Carlson, St. Lawrence Catholic Campus Center at KU, delivered the invocation, page 1827.

Guest Chaplain Reverend Bill Nicholson, Jr., Second Missionary Baptist Church, Topeka, delivered the invocation, page 1830.

Senator Kerschen recognized February 9, 2016, as Kansas MS Action Day. Guests introduced were Dave Burkett, John Kuhn, Ann Reed, Andrew Kuhn and Jenna Neher, page 1832.

Senator Lynn rose on a Point of Personal Privilege to recognize the important economic relationship between the State of Kansas and Canada. Guests introduced were Marcy Grossman, Consul General, Jamie Caton and Lauren Simpson, page 1845.

Senator Pilcher-Cook recognized the Kansas Donated Dental Services Program's 20 years of service. Guests introduced were Dr. Cindi Sherwood, Dr. Charles Squire and Dr. R. Wayne Thompson, page 1847.

Senator Wagle recognized Elaine Ward, upon her retirement from the Senate staff after 15 years. Members of Elaine's family were also present, page 1872.

Senator Hawk congratulated and commended Lindy Richardson Lindquist for being inducted into the National 4-H Hall of Fame. Guests introduced were Lindy Richardson Lindquist, Jack Lindquist and Representative Susan Concannon, page 1872.

Senator Lynn rose on a Point of Personal Privilege to introduce seven high school foreign exchange students serving as pages. Students introduced included Mohammed Abumuailaq from Gaza; Erlend Brunen from Denmark; Elna Ciesielski from Germany; Reem Halaby from Egypt; Liana Karapetyan from Armenia; Estu Pawestri from Indonesia and Olha Ter-Vartanova from Ukraine, page 1881.

Senator Tyson rose on a Point of Personal Privilege to congratulate the Plaza Cinema in Ottawa, Kansas. Guests introduced were Peach Madl, Executive Director; Scott Zarembo, Peggy Armstrong, Bill Shaffer, Kristi Lee, Jeanny Sharp, Deborah Barker and Richard Wellman, page 1882.

Senator Pettey congratulated Dr. Cynthia Lane on being named Kansas Superintendent of the Year. Guests introduced were Dr. Cynthia Lane, Brenda Jones, Dr. Evelyn Hill, Janet Waugh and Bill Reardon, page 1883.

Guest Chaplain Pastor Andy Addis, Crosspoint Church, Hutchinson, Kansas, delivered the invocation, page 1895.

Senator Schmidt honored the life and memory of Andrea Burton. Guests introduced were Dr. Russell Burton, Brianna Burton, Benjamin Burton, Zoie Burton, Gena Burton, Ruth Little, Ed Rakocy, Paula Rakocy, Bob Higgins, Jeannette Simonson, Altaire Simonson, Celeste Simonson, Mary Madden, Tonya Brown, Darren Wade, Joe Brentano and Jamaikah Phillips, page 1897.

Senator Lynn recognized the month of February as Kansas Cancer Awareness Month. Guests introduced were Dr. Terance Tsue, Jeff Wright, Cliff Erwin, Reagan Cussimano, Stephanie Weiter, Hilary Gee, Jordan Rickabaugh, Sue Jirkovsky-Landers, Becky

Duncun, Ruthie Blenz, Priscilla Brunell, Regina Bussiere, Jaquelan Bussiere, Gay Garret and Judith Calhoun, page 1929.

Guest Chaplain Major Brian Curry delivered the invocation, page 1946.

Senator Bowers rose on a Point of Personal Privilege to acknowledge and introduce the members and personnel of the Kansas National Guard for Armed Forces Appreciation Day, page 1946.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of four chapters of Kansas Alpha Kappa Alpha sorority present in the gallery. Special recognition was given to Mrs. Jan M. Carpenter Baker, Mid-Western Regional Director of Alpha Kappa Alpha; Mrs. Twyla Wood Buford, Midwest Regional Representative to the International Connections Committee, and Kayly Seton, Kansas Connection Coordinator, page 1947.

Senator Petersen honored and recognized Kansas Korean War Veterans with a Senate Resolution. Roger Zlatnik, Senate Doorman and a Kansas Korean War Veteran, was presented a framed copy of the resolution, page 1947.

Senator Ostmeyer recognized Veterans Service Organizations and families of veterans. Guests recognized were Lyle Babcock, Nathan McClune, Marty Thurman, Ron Whitney, Frank Lowery, Maureen Lane, David Farley, Gerald Kehres, Megan McGuire, Debbie Austin, Dody Plummer, Thomas Sochantz, Bittany White-Dold, Weston Qrender, Jade Cale, Kendra Garcia, Aubrey Davis, Dakota Qrender, Phil Taunton, Monica Schmidt, T. J. Qrender and Maddie Madrigal, page 1949.

Senators Tyson and Baumgardner rose on a point of Personal Privilege to recognize several Armed Forces veterans who have been actively involved in working with veterans suffering from Post Traumatic Stress Disorder. Specifically honored was Norman Holle who has worked with over 845 veterans suffering from PTSD. Guests introduced were Norman Holle, Carolyn Holle, Dee Martin, Mike Martin, Becky Golba, Chuck Golba and Alan Olsen, page 2010.

Senators Faust-Goudeau and Petersen recognized Addison's Army Against Melanoma for its work educating and spreading awareness about melanoma skin cancer. Guests introduced were Becky Stewart, Koby Herbst, Jessice Edgerle, Sarah Stotler, Katie Owen, Kimberly Rubio, Rose Rosales, Crystal Apsley, Michelle Rodriguez and Nikolas Rodriguez, page 2012.

Guest Chaplain Reverend Roger Dennis, St. John Lutheran Church, Russell, Kansas, delivered the invocation, page 2016.

Guest Chaplain Rabbi Debbie Stiel, Topeka, who delivered the invocation, page 2020.

Senator Schmidt rose on a Point of Personal Privilege to introduce The Honorable Roey Gilad, Consul General of Israel to the Midwest, page 2020.

Senators recognized the Kansas Small Business Development Center's 2016 Businesses of the Year. Kansas SBDC Emerging Businesses of the Year are: Athletic Testing Solutions in Overland Park, owned by David Kuluva and Eric Schroeder; Brickhouse Antiques in Topeka, owned by Tom and Mary Norkov; Chisholm Trail Outfitters, LLC, in Hillsboro, owned by Craig Dodd; Duck Salt in Greensburg, owned by Matthew Deighton; Kids Calendar in Lawrence, owned by Beth McKeon; Sake2me Sushi Rolls, LLC, in Hays, owned by Michael Huskey and Stacie Rupp; Sleep Inn & Suites in Fort Scott, owned by Bill Michaud; Sleeptopia in Wichita, owned by Kevin Kunz. 2016 Kansas SBDC Existing Businesses of the Year are: B&P, Inc., in Holton, owned by Brett and Carly Fletcher; Colby Glass & Sign Co., Inc., in Colby, owned by Rod Rodenbeck; CTe Learning in Olathe, owned by Steve Waddell; DV Enterprises, LLC, in Liberal, owned by Don and Vicky Brunkhardt; Eric Fisher Academy, Inc., in

Wichita, owned by Eric and Mary Fisher; Medicine Shoppe Pharmacy in Emporia, owned by Amber Haag; Progressive Products, Inc., in Pittsburg, owned by Todd Allison; and The Gun Guys in Ottawa, owned by Tim VanLeiden. 2016 Kansas SBDC Exporting Business of the Year is Custom Storefronts, Inc., in Olathe, owned by Jon Roberts, page 2022.

Senator Schmidt recognized May 2016 as Cystic Fibrosis Awareness Month. Guests introduced were Scott Wedman, Linda Wedman, Larry Wedman and Phyllis Shesbro, page 2023.

Senator Schmidt recognized the importance of meningococcal disease awareness and prevention. Guests introduced were Danelle Lin Perry, MD, and Regina Weir, page 2030.

Guest Chaplain Pastor Gary Roten, Emmanuel Baptist Church, Topeka, delivered the invocation, page 2051.

Senator Tyson rose on a Point of Personal Privilege to recognize the citizens of Fort Scott, Kansas, for their generous support of freedom fighters from the War on Terror in Iraq and Afghanistan. Guests introduced were Mayor Cindy Bartelsmeyer, Betty Boyko, Jon Garrison, Jim Scott, Martha Scott, Tim Emerson, Anne Emerson and Andy Emerson, page 2057.

Senator Schmidt commemorated the 75<sup>th</sup> Birthday of M&M's® Brand Chocolate Candies in the State of Kansas and designating the month of March as M&M's® Brand Chocolate Candies Month. Guests introduced were Bret Spangler, Mark Broadhurst and Nicholas Koulermos, page 2058.

Senator Arpke commended the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives. Guests present were Kenneth Harder, Kenneth Isaac, Diane Isaac, Jason Guenther, David Froese, Susan Froese, Jane Flora-Swick, Pamela Mason, Steve Gee, Michael Garner, Susan Garner, Lou Counselman, Daniel Ensz, Kathy Ensz, Vicki Taylor, Reg Wescott, Linda Wescott, William Graves, Dalton Glasscock and Colby Rankin, page 2068.

Senator King introduced former Senator Richard Gannon who played traditional Celtic music on the bagpipes to commemorate St. Patrick's Day, page 2082.

Senator Knox rose on a Point of Personal Privilege to welcome Frank Foster to the Kansas Senate and honor him for his military service. Guests introduced were Frank Foster, Norma Foster, Charles Foster and Daffney Foster, page 2140.

Senator Francisco rose on a Point of Personal Privilege to recognize Jazmyne McNair as the Kansas Youth of the Year representing the Boys and Girls Club of Kansas, page 2141.

Senator Hensley congratulated and commended the Kansas City Royals baseball organization on their World Championship 2015 season. Guests introduced were Toby Cook, Vice President of Publicity; Curt Nelson, Director, Royals Hall of Fame; and Dave Webster, page 2141.

Senators Haley and Petty congratulated and commended the 2015-2016 Kansas City Kansas Community College Women's Basketball team on winning the 2016 National Junior College Athletic Association Division II Championship, page 2181.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Storytime Village, Inc., Literacy Day at the Capitol, as well as the organizers of the event. Guests introduced were Prisca Barnes, Dr. Beryl New, Rose Palmer and Kenya Cox, page 2182.

Guest Chaplain Kent Otott, Executive Director, North Central Kansas Teens For Christ, Concordia, delivered the invocation, page 2194.

Senator Hensley congratulated and commended the Osage City High School boys' basketball team and Coach Dennis Fort for winning the 2016 KSHSAA Class 3A State Basketball Championship. Team members present were Derrick Cooley, Jason Cooley, Duncan Fort, Ryan Haskins, Kaleb Irvin, Zach Irvin, Tucker Kimball, Peyton Pearson, Trenton Plinsky, Brett Sage, Joe Schemm, Carter Swindale and Tyson Wilkins; Head Coach Dennis Fort, Assistant Coaches James Bellinger and Jordan Tice, page 2238.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Miss Kansas-USA, Victoria Wiggins. Guests introduced were her father and step-mother, Jeffrey Wiggins and Doraline Griffin-Wiggins, page 2240.

Senator Ostmeyer congratulated Bob Davis on his outstanding sports broadcasting career and retirement. Guests introduced were Bob Davis and Rich Epps, page 2241.

Senator Powell commended the Republic of China's (Taiwan's) presidential election. Guests introduced were Foster Lee and Jerry Chang, page 2242.

Senator Petersen commended the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship. Team members present were Aerihna Afoa, Alexis Beard, Brittanie Brickhouse, Kyla Callins, Kendrian Elliott, Naria Hall, Trezure Jobe, Ericka Mattingly, Destiny Pittman, Krissandra Pollard, Mauri Scales and Deionne White; team managers Stephanie Gonzales and O'Shiana Rogers; Coach Antwain Scales and assistant coaches Heidi Dreiling and Wayne Riddle, page 2244.

Senator McGinn rose on a Point of Personal Privilege to introduce guests Eddy and Anne McGinnis from England visiting Kansas. Also introduced were Karen Hall and Mark McGinn, page 3046.

Senator Fitzgerald rose on a Point of Personal Privilege to honor fallen officer, Detective Brad Lancaster who lost his life in the line of duty protecting the citizens of Kansas City, Kansas. Members of Detective Lancaster's family and several of his fellow officers were present, page 3046.







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- SB 200 Earned income tax credit increased.

- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.
- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 210 Requiring employment of Kansas workers for certain state contracts and tax incentives.
- SB 333 Voter registration; citizenship requirements.
- SB 348 Prohibitions on carrying concealed handguns in postsecondary educational institution buildings.
- SB 363 Relating to licensure of acupuncturists.
- SB 441 Granting county boards of commissioners authority to appoint county election commissioners.
- SB 442 Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1609 Revising article 10 of the Kansas constitution; establishing a redistricting commission.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1763 Congratulating and commending Lindy Richardson Lindquist for being inducted into the National 4-H Hall of Fame.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.

### **Hensley, Anthony**

- SB 80 Enacting the Kansas working families pay raise act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 163 Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.
- SB 177 Voter ID; voter registration; denial for lack of proof of citizenship.
- SB 199 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
- SB 200 Earned income tax credit increased.
- SB 201 Personal electronic media devices subject to the open records act.

- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.
- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 210 Requiring employment of Kansas workers for certain state contracts and tax incentives.
- SB 333 Voter registration; citizenship requirements.
- SB 431 Prohibiting changes in party affiliation prior to gubernatorial appointments.
- SB 432 Elections; county election commissioner; requirements.
- SB 433 Employment security law: reinstating waiting week and trailing spouse benefit provisions.
- SB 441 Granting county boards of commissioners authority to appoint county election commissioners.
- SB 442 Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1609 Revising article 10 of the Kansas constitution; establishing a redistricting commission.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SCR 1613 Adjournment of legislature for a time during the 2016 session.
- SR 1755 Organization of the Senate, 2016.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1786 Congratulating and commending the Osage City High School boys' basketball team and Coach Dennis Fort for winning the 2016 KSHSAA Class 3A State Basketball Championship.
- SR 1791 Withdrawn

### **Holland, Tom**

- SB 80 Enacting the Kansas working families pay raise act.
- SB 163 Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.
- SB 199 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
- SB 200 Earned income tax credit increased.
- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.

- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 210 Requiring employment of Kansas workers for certain state contracts and tax incentives.
- SB 333 Voter registration; citizenship requirements.
- SB 348 Prohibitions on carrying concealed handguns in postsecondary educational institution buildings.
- SB 363 Relating to licensure of acupuncturists.
- SB 441 Granting county boards of commissioners authority to appoint county election commissioners.
- SB 442 Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1602 Urging congress to pass an amendment to the United States constitution to overturn the holding in Citizens United v. Federal Election Commission.
- SCR 1609 Revising article 10 of the Kansas constitution; establishing a redistricting commission.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1781 Urging the Kansas congressional delegation to work with operators of Kansas wineries and the TTB to apply for and achieve AVA status for one or more regions within the state.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.

### **Holmes, Mitch**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.

For page numbers, see "Title and History of Bills" in Senate and House Journal Books

- SR 1759 Recognizing the Kansas Board of Emergency Medical Services for its work in ensuring that quality out-of-hospital care is available throughout the state of Kansas.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1798 Supporting student privacy and safety.

### **Kelly, Laura**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 80 Enacting the Kansas working families pay raise act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 163 Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.
- SB 199 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
- SB 200 Earned income tax credit increased.
- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.
- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 333 Voter registration; citizenship requirements.
- SB 363 Relating to licensure of acupuncturists.
- SB 441 Granting county boards of commissioners authority to appoint county election commissioners.
- SB 442 Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1609 Revising article 10 of the Kansas constitution; establishing a redistricting commission.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.

- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1795 Congratulating and commending Alexis Tibbits on receiving a 2016 Gates Millennium Scholarship.

### **Kerschen, Dan**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 314 Extending the local food and farm task force.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SCR 1611 Applying to Congress for a limited amendments convention to overturn the holding in Citizens United v. Federal Election Commission.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1794 Congratulating and commending the 2016 Kansas Distinguished Financial Educator Award recipients.
- SR 1798 Supporting student privacy and safety.

### **King, Jeff**

- SB 11 Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 440 Supreme court general administrative authority over judicial branch.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.

- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

### **Knox, Forrest**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1798 Supporting student privacy and safety.

### **LaTurner, Jacob**

- SB 2 Authorizing school districts to offer multi-year contracts to teachers.
- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 98 Open records, charges limited; open meetings; minutes required.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 316 Property tax lid; effective date; exemptions.

- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

### **Longbine, Jeff**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

**Love, Garrett**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 135 Option to exempt aviation fuel from city sales tax.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1794 Congratulating and commending the 2016 Kansas Distinguished Financial Educator Award recipients.
- SR 1798 Supporting student privacy and safety.

**Lynn, Julia**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.

- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1781 Urging the Kansas congressional delegation to work with operators of Kansas wineries and the TTB to apply for and achieve AVA status for one or more regions within the state.
- SR 1798 Supporting student privacy and safety.

### **Masterson, Ty**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

### **McGinn, Carolyn**

- SB 11 Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.

- SB 363 Relating to licensure of acupuncturists.
- SB 443 Official state of Kansas "cage elevator."
- SR 1760 Recognizing February 5, 2016, as National Wear Red Day.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

### **Melcher, Jeff**

- SB 5 Designating a portion of U.S. highway 69 as the 2nd Lieutenant Justin L. Sisson memorial highway.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1785 Congratulating and commending Lauren Browning on receiving a 2016 Prudential Spirit of Community Award for exemplary volunteer service.
- SR 1798 Supporting student privacy and safety.

### **O'Donnell, Michael**

- SB 11 Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.

- SB 68 George Ablah expressway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

### **Olson, Robert**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.

- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

### **Ostmeyer, Ralph**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1756 Congratulating and commending Northwest Kansas Technical College for being selected as an Apple Distinguished School for 2015-2017.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1771 Recognizing the patriotism and contributions of Veterans Service Organizations and families of veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1788 Congratulating the Colby Public High School wrestling team on winning the 2016 Class 4A State Wrestling Championship.
- SR 1789 Congratulating the Norton Community High School wrestling team on winning the 2016 Class 3-2-1A State Wrestling Championship.
- SR 1792 Congratulating and commending Bob Davis on his outstanding sports broadcasting career and retirement; and designating April 28, 2016, as Bob Davis Day.
- SR 1798 Supporting student privacy and safety.

**Petersen, Mike**

- SB 11 Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 68 George Ablah expressway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1772 Recognizing Addison's Army Against Melanoma for its work educating and spreading awareness about melanoma skin cancer.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1782 Honoring and commending Officer Larry Hampton for his bravery in the line of duty.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

**Petty, Pat**

- SB 80 Enacting the Kansas working families pay raise act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 163 Governmental ethics; two-year restriction on lobbying by former elected and appointed state officials.
- SB 199 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
- SB 200 Earned income tax credit increased.

- SB 208 Directing the secretary of administration to study whether public employers engage in wage discrimination on the basis of sex.
- SB 209 Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects.
- SB 210 Requiring employment of Kansas workers for certain state contracts and tax incentives.
- SB 333 Voter registration; citizenship requirements.
- SB 348 Prohibitions on carrying concealed handguns in postsecondary educational institution buildings.
- SB 363 Relating to licensure of acupuncturists.
- SB 434 Increasing the penalty for certain violations of criminal discharge of a firearm.
- SB 441 Granting county boards of commissioners authority to appoint county election commissioners.
- SB 442 Providing a sales tax holiday on taxation of sales of food and food ingredients during certain times of the year prior to holidays.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1609 Revising article 10 of the Kansas constitution; establishing a redistricting commission.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1767 Congratulating Dr. Cynthia Lane on being named Kansas Superintendent of the Year.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1784 Congratulating and commending the KCKCC Women's Basketball team on winning the 2016 NJCAA Division II Championship.
- SR 1796 Congratulating and commending Zainab Dafalla on receiving a 2016 Gates Millennium Scholarship.
- SR 1797 Congratulating and commending Darion Stafford on receiving a 2016 Gates Millennium Scholarship.

**Pilcher-Cook, Mary**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.

- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1762 Recognizing the Kansas Donated Dental Services Program's 20 years of service.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1798 Supporting student privacy and safety.

**Powell, Larry**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1787 Supporting Taiwan's participation in international trade agreements and international organizations and reaffirming Kansas' commitment to its relationship with Taiwan.
- SR 1794 Congratulating and commending the 2016 Kansas Distinguished Financial Educator Award recipients.
- SR 1798 Supporting student privacy and safety.

**Pyle, Dennis**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

**Schmidt, Vicki**

- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 443 Official state of Kansas "cage elevator."
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1775 Designating May 2016 as Cystic Fibrosis Awareness Month.
- SR 1776 Recognizing the importance of meningococcal disease awareness and prevention.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1778 Commemorating the 75th Birthday of M&M'S® Brand Chocolate Candies in the State of Kansas and designating the month of March as M&M'S® Brand Chocolate Candies Month.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

**Smith, Greg**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.

**Tyson, Caryn**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 439 Grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.

- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1798 Supporting student privacy and safety.

### **Wagle, Susan**

- SB 68 George Ablah expressway.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 363 Relating to licensure of acupuncturists.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
- SCR 1613 Adjournment of legislature for a time during the 2016 session.
- SR 1755 Organization of the Senate, 2016.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1793 Congratulating and commending the Wichita South High School girls' basketball team on winning the 2016 KSHSAA Class 6A State Basketball Championship.
- SR 1798 Supporting student privacy and safety.

### **Wilborn, Rick**

- SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.
- SB 95 Creating the Kansas unborn child protection from dismemberment abortion act.
- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 387 Legalizing certain savings account promotions.
- SB 436 Prioritizing moneys spent for entities that provide family planning services.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1603 Making application to the U.S. congress to call a convention of the states.

- SCR 1606 Urging congress to protect patients and families by enacting reforms to the patient protection and affordable care act.
- SCR 1610 Reaffirming 10th Amendment rights.
  - SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1779 Commemorating Osawatomie State Hospital's 150th Anniversary.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1798 Supporting student privacy and safety.

### **Wolf, Kay**

- SB 110 Sales tax exemption for sales of certain machinery and equipment used for automated ice vending machines.
- SB 363 Relating to licensure of acupuncturists.
- SB 443 Official state of Kansas "cage elevator."
- SCR 1612 Constitutional amendment providing for phase out and complete exemption from sales and use taxation of food and food ingredients.
  - SR 1758 Congratulating and commending Kristin Wright for being named the 2015-2016 Outstanding School Counselor of the Year.
- SR 1761 Designating February 9, 2016, as Kansas MS Action Day.
- SR 1768 Honoring the life and memory of Andrea Burton.
- SR 1769 Designating February, in 2016 and in each succeeding year, as Kansas Cancer Awareness Month.
- SR 1770 Honoring and recognizing Kansans who are Korean War Veterans.
- SR 1774 Recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.
- SR 1777 Commemorating the 75th Anniversary of Civil Air Patrol.
- SR 1780 Commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.
- SR 1783 Congratulating and commending the Kansas City Royals baseball club on their 2015 World Championship of Major League Baseball.
- SR 1798 Supporting student privacy and safety.

### **State Legislature, Senate Committees (Various)**

#### *Agriculture*

- SB 46 Identification of domesticated deer.
- SB 134 Amendments to the Kansas noxious weed law.
- SB 169 Making the channel cat fish the official fish of the state of Kansas.
- SB 189 Creating an institutional license to practice veterinary medicine.
- SB 217 Allowing farm wineries to sell wine at more than one farmers' market.

*Assessment and Taxation*

- SB 29 Removal of community improvement district sales tax administration fund aggregate cap.
- SB 30 Electronic filing of mineral severance tax returns required.
- SB 31 Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.
- SB 42 Governmental ethics; public funds used for lobbying.
- SB 186 Regulation of transportation network company services.
- SB 187 Extending the student loan payment program and income tax credit for rural opportunity zones for six years.
- SB 188 Publication requirements under the Kansas uniform financial accounting and reporting act.
- SB 212 Strengthening protection of public employee paychecks.
- SB 233 Increasing rates of taxation on cigarettes, tobacco products and alcoholic beverages.
- SB 234 State finances; relating to state general fund tax receipts and expenditures; providing a tax amnesty; creating a budget stabilization fund, tax reduction fund; ending balances; income tax rates, itemized deductions; reports to the legislature.
- SB 238 Homestead property tax eligibility for armed forces service-connected disability.
- SB 251 Reducing amount and limiting credit to tax liability of taxpayer of the Kansas earned income tax credit.
- SB 257 Ten-year limit on property tax exemption for renewable resources or technologies.
- SB 258 Eliminating property tax exemption from statewide school levy for property used for residential purposes to the extent of \$20,000 of its appraised valuation.
- SB 259 Computation of amount of personal property tax on motor vehicles.
- SB 260 Modifications to Kansas adjusted gross income relative to passive income for Kansas income tax purposes.
- SB 261 Imposing sales tax on sales of gas, electricity, heat and other fuel sources for production of heat and lighting for residential premises and agricultural use.
- SB 263 Providing a sales tax exemption for fresh fruit and vegetables upon adoption of necessary amendments to the streamlined sales and use tax agreement.
- SB 264 Eliminating sales tax exemption for farm machinery and equipment.
- SB 270 Tax credit for low income students scholarship program act; eligible students.
- SB 271 Exception from height and length vehicle limitations for forage cutters and custom harvesters.
- SB 272 Income tax deduction for net gain on the sale of Christmas trees.
- SB 274 Creating the seat belt safety fund and increasing the fine for adult seat belt violations.
- SB 279 Selection of delegates to an article V convention of the states.
- SB 286 Requiring social security numbers for tax credit eligibility.
- SB 287 Making refundable income tax credits nonrefundable.
- SB 291 Providing sales tax exemption for certain purchases by hope ranch for women inc and contractors providing services thereto.

- SB 294 Creating the education finance act of 2015; making and concerning appropriations for fiscal year ending June 30, 2016, for the department of education.
- SB 296 Making the 2015 income tax rates permanent and having the tax rate reduction become effective.
- SB 299 Providing working after retirement requirements for certain KPERS retirants who return to work with covered employers including benefit and contribution provisions while extending current sunset for teachers to July 1, 2016.
- SB 302 Statewide excise tax levy of \$3 per acre on the ownership of real property for the purpose of school finance.
- SB 308 Legislative compensation and subsistence limited to May 22, 2015.
- SB 332 Sales tax exemption for the Kansas DUI impact center, inc.
- SB 353 Allowing exemption of certain federal property without an order of the board of tax appeals.
- SB 359 Concerning property taxation; relating to county appraisers, market study analysis, persons eligible to be appointed to office of appraiser.
- SB 388 Requiring the state board of regents to adopt a policy on awarding credit hours based on CLEP test results.
- SB 444 Creating a language assessment program for children who are deaf or hard of hearing.
- SB 452 Approval of budgets by taxing subdivisions; resolution and election requirements.
- SB 464 Amending the school classification system of the Kansas state high school activities association.
- SB 507 Allowing individuals to operate a sailboat during instruction led classes.
- SB 508 Limiting the subtraction modification on business income for certain individuals who have materially participated in the operation of the business for income tax purposes.
- S Sub
- HB 2088 Property tax lid, cities and counties; effective date; exemptions; election options.
- S Sub
- HB 2109 Providing for a sales and compensating use tax rate of 6.5% and a rate of 6.0% on food; eliminating certain itemized deductions; tax amnesty; creating the payroll credit; cigarettes and tobacco products tax rates; motor fuel tax rates; computation of amount of personal property tax on motor vehicles.

*Commerce*

- SB 83 Distance prohibitions and spacing requirements for wells.
- SB 84 Cities; rehabilitation of abandoned property; definitions, other.
- SB 106 Real estate brokers and salespersons; licensing requirements; sale transaction requirements.
- SB 107 Public entities expenditures for energy projects intended to reduce energy costs.
- SB 108 Increasing real estate broker's and salesperson's license fees.
- SB 154 Amending unemployment insurance benefits determination; employer classification and contribution rates.
- SB 167 Workers compensation use of American medical association guides to the evaluation of permanent impairment.

- SB 190 Allowing persons to operate sailboat after completing instruction led class.
- SB 338 Rehabilitation of abandoned property by cities.
- SB 352 Amending nonresident real estate broker and salesperson license requirements.
- SB 365 Enacting the contaminated property redevelopment act.
- SB 366 Prohibiting price controls on the purchase or sale of private residential or commercial property.
- SB 414 Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.
- S Sub
- HB 2096 Public employees concerning public employer-employee relations act and deductions from wages.
- S Sub
- HB 2509 Concerning administrative fees for economic development programs administered by the department of commerce.

*Corrections and Juvenile Justice*

- Sub
- SB 18 Making certain law enforcement audio and video recordings confidential and exempt from the open records act.
- SB 20 Increasing criminal penalties for residential burglary.
- SB 53 Relating to principles of criminal liability; liability for the crimes of another.
- SB 70 Background checks and licensure of teachers.
- SB 89 Requiring county and district attorneys to report certain criminal and juvenile offender caseload information.
- SB 90 Licensure of bail enforcement agents by the attorney general.
- SB 111 Correctional supervision fee; correctional supervision fund.
- SB 128 Creating an exception to the Kansas open records act for municipal judges and city attorneys.
- SB 129 Reports of abuse or neglect concerning children and certain adults.
- Sub
- SB 131 Relating to peer support counseling sessions; confidentiality of communications.
- Sub
- SB 147 Authorizing hemp treatments for seizure disorders.
- SB 194 Creating the Kansas public school security act.
- SB 213 Amendments to inherently dangerous felony list.
- SB 214 Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.
- Sub
- SB 216 Creating the Kansas school security act.
- SB 323 Creating the Jason Flatt act; requiring suicide prevention training for school district personnel.
- SB 325 Allowing prosecutor access to child in need of care records.
- SB 367 Amendments to the juvenile justice system.
- SB 374 Amending requirements for justification and approval of sureties.
- SB 375 Changing the definition of "significantly subaverage general intellectual functioning" related to intellectual disability.

- SB 376 Amending law enforcement duties concerning missing person reports.
- SB 391 Creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child.
- SB 392 Amending provisions relating to a request for final disposition of detainee by prisoners.
- SB 407 Reviving statute concerning conditional release of person civilly committed under the sexually violent predator act.
- SB 408 Reporting and investigation of abuse, neglect and exploitation of persons; duties and powers of attorney general, law enforcement and department of corrections.
- SB 418 Amendments related to human trafficking, children in need of care and juvenile offenders.
- SB 426 Creating the crime of violation of a consumer protection related to door-to-door sales.
- SB 435 Creating a system of alternative incarceration.
- SB 453 Creating a program for early release from incarceration for parents in certain cases.
- S Sub
- HB 2018 Adding and amending substances included in schedules I, III and IV of the uniform controlled substances act.
- S Sub
- HB 2049 Amending criminal penalties for possession of marijuana and burglary.
- S Sub
- HB 2056 Licensure of bail enforcement agents by the attorney general.
- S Sub
- HB 2382 Amendments to the juvenile justice system.

### *Education*

- SB 32 Requiring school district and state department of education audits; creating the efficient operation of schools task force.
- SB 33 Creating the Kansas education standards study commission.
- Sub
- SB 60 Authorizing participation by less than full-time students in activities regulated by Kansas state high school activities association.
- SB 93 Career technical education performance-based funding requirements.
- SB 136 Amending the professional negotiations act.
- SB 137 Education; amendments to the school district finance and quality performance act; the virtual school act; the student data privacy act; and the tax credit for low income student scholarship program act.
- Sub
- SB 323 Creating the Jason Flatt act; requiring suicide prevention training for school district personnel.
- SB 324 Winter celebration curriculum.
- SB 342 Creating the student online personal protection act.
- SB 356 Creating the school district bond project review board.
- Sub
- SB 356 Amendments regarding school district capital improvement state aid.
- SB 357 Requiring a longitudinal reading program study by the department of education.
- SB 358 Amending the nurse educator service scholarship program act.

- S Sub
- HB 2008 Creating the student online personal protection act.
- S Sub
- HB 2326 Amending the professional negotiations act.
- S Sub
- HB 2441 Creating a language assessment program for children who are deaf or hard of hearing.

*Ethics and Elections*

- SB 26 Campaign finance; use of campaign contributions for certain expenses of spouses.
- SB 27 Campaign finance; use of campaign funds; increased exemption amount certain for candidates; contributor information; lobbyist filings.
- SB 28 Lobbyist defined.
- SB 41 Uniformed and overseas citizens absentee voting act; out of state college students.
- SB 77 Governmental ethics commission fees.
- SB 78 Campaign finance; legislators filing report electronically.
- SB 79 Electronic publication of propositions to amend the constitution.
- SB 165 Open meetings, statements required regarding a closed or executive meeting; amending K.S.A. 75-4319.
- SB 171 Elections; municipalities and special districts; spring to fall; other changes.  
Sub
- SB 171 Municipal elections; nonpartisan; fall odd-numbered years.
- SB 368 Prohibition against using public funds or resources to promote question submitted election issues; use of bond proceeds.
- SB 406 Voter registration; departments of aging and disability services, children and families, labor and state board of education.

*Federal and State Affairs*

- SB 24 Technical professions act; definitions clarification.
- SB 25 Firearms; background checks; gun shows.
- SB 60 Participation by homeschooled students in activities regulated by the Kansas state high school activities association.
- SB 61 Kansas lottery; sale of tickets; advertising; underage purchase of ticket prohibited.
- SB 62 State fire marshal; search and rescue teams and hazardous materials response teams; tort claims immunity; emergency response fund.
- SB 63 Cities; land banks; municipalities may defer or reamortize special assessments.
- SB 64 Public water supply storage; interest rate change.
- SB 65 Carrying of concealed handguns by public employees while engaged in employment.  
Sub
- SB 65 Carrying concealed handguns.
- SB 66 Personal and family protection act; regulating concealed carry in portions of public buildings.
- SB 67 Development and establishment of K-12 curriculum standards.
- SB 85 Length of regular legislative session in odd-numbered years.

- SB 86 Kansas transparency act.
- SB 87 Secretary of State; political action committees prohibited.
- SB 88 Law enforcement officers; training requirements; mentally ill persons.
- SB 92 Legislators compensation; per diem pay limited.
- SB 99 Creating an exception to maximum vehicle length requirements for custom harvesters.
- SB 115 Saving communities amendments to the personal and family protection act.
- SB 116 Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations.
- SB 131 Law enforcement officer, corrections officer bill of rights.
- SB 132 Amending statutes concerning dangerous regulated animals.
- SB 152 Alcoholic liquor; dispensing liquor and infusing flavor.
- SB 153 Exempting public libraries from certain provisions of the personal and family protection act.
- SB 166 Rule of law restoration act; immigration.
- SB 192 Kansas expanded lottery act; racetrack gaming changes.
- SB 203 Cigarette and tobacco products acts, amendments; authorizing governor to enter into compacts with native american tribes.
- SB 204 Protecting the total amount of time for visitation granted to a person under the revised Kansas code for care of children.
- SB 205 Regional system of cooperating libraries; appointment board members.
- SB 206 Enforcement of open records and meetings; attorney general; fund.
- SB 207 Prohibiting retaliation or discrimination by an employer against a parent for taking time off to attend certain court proceedings involving children.
- SB 211 Technical professions; scope of practice.
- SB 216 Investigation and review of deaths involving law enforcement officers act.
- SB 223 Legislative sessions.
- SB 224 Emergency medical services board authority to impose fines, investigate and issue subpoenas.
- SB 225 Interstate compact for recognition of emergency personnel licensure.
- SB 226 Emergency medical services amendments.
- SB 231 Policing cooperation; Wichita and Wichita state university.
- SB 232 Lien filings against public officials; prohibitions; notice; criminal penalties.
- SB 239 Elections; presidential preference primary date delayed.
- SB 240 State banking code and the state banking commissioner.
- SB 252 Relating to the unlawful abuse of toxic vapors.
- SB 253 Renewable energy standards act sunset.
- SB 255 Amendments relating to the sale of cigarettes and tobacco products.
- SB 256 Kansas department for children and families; eligibility requirements for public assistance.
- SB 262 Charitable gaming; regulation of bingo and raffles.
- SB 266 Redefining tenant and rental agreement under the residential landlord and tenant act.
- SB 267 Exclusion of fantasy sports leagues from the crime of gambling.
- SB 277 Authorizing microbreweries to manufacture and sell hard cider and mead.  
Sub
- SB 277 Authorizing production of hard cider by microbreweries.
- SB 278 Cowley county; official stone bridge capital of the state of Kansas.
- SB 280 Sales tax authority for Thomas county for constructing or remodeling of a county jail, law enforcement center, courthouse or other county facility.

- SB 281 Sales tax exemption for certain mobility enhancing equipment.
- SB 288 Updating endorsement codes for commercial driver's licenses.
- SB 293 Land exchange; Pittsburg state university and Pittsburg, Kansas.
- SB 295 Sentence conversion for certain persons convicted of attempt to commit murder in the second degree.
- SB 298 Alcoholic beverages; enacting the county option retailer's act.
- SB 326 Increasing production limits for microbreweries.
- SB 331 Kansas firearms industry nondiscrimination act.
- SB 347 Legislator compensation; per diem pay limit.
- SB 355 Firearms; possession or sale; persons who have voluntarily received treatment for mental illness or drug or alcohol abuse.
- SB 371 KanCare bridge to prosperity program.
- SB 379 Farm wineries; licenses; no term of residency.
- SB 380 Taxation of motor vehicles and exemption for vehicles of military personnel.
- SB 383 Election day voter registration.
- SB 397 Open records act; application for certain elected offices and offices subject to retention elections.
- SB 398 Lobbyists; reporting of compensation received from each employer.
- SB 399 Lobbyists; restriction on meals for legislators.
- SB 400 Campaign finance; prohibiting certain campaign contributions by KanCare providers.
- SB 437 Simon's Law; withholding life sustaining treatment for persons under 18 years of age; parent or legal guardian consent.
- SB 458 Beer sales by grocery stores and convenience stores; if weak beer is no longer available.
- SB 459 Fire extinguisher inspections; fireworks manufacturers, distributors and display operations; license fees eliminated.
- SB 461 Requiring the attorney general to investigate and prosecute cases relating to the death of a person caused by a law enforcement officer.
- SB 462 Regulation of drones; private property rights; civil cause of action.  
Sub
- SB 462 Concerning civil procedure and the protection from stalking act.
- SB 471 Expanding advance voting and placing indications of citizenship on driver's licenses and nondriver identification cards.
- SB 472 Prohibiting discrimination against family caregivers.
- SB 475 Requiring performance and payment bonds for certain public construction contracts.
- SB 476 Bourbon county commission; authorization to order financial audit of fire districts.
- SB 477 Establishing legislative oversight of state psychiatric hospitals.
- SB 478 Abolishing the death penalty and creating the crime of aggravated murder.
- SB 479 Prohibiting the possession of a firearm by certain individuals.
- SB 480 Amending search and seizure parameters for parole and postrelease supervision.
- SB 481 Amending restrictions on the location of facilities for transitional or conditional release under the Kansas sexually violent predator act.
- SB 482 Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.
- SB 483 Adding and amending substances included in schedules I, III and IV of the uniform controlled substances act.

- SB 484 Approving a cigarette and tobacco sales and taxation compact between the Prairie Band Potawatomi Nation and the state of Kansas.
- SB 485 Approving a cigarette and tobacco sales and taxation compact between Iowa Tribe of Kansas and Nebraska and the state of Kansas.
- SB 486 Kansas act against discrimination; family caregiver status.
- SB 488 Utility franchises in redevelopment districts that encompass federal enclaves.
- SB 493 Providing for community finance fees and other administrative cost recovery fees for the department of commerce.
- SB 516 Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.
- SR 1790 Recognizing cowboys as part of a unique culture integral to the state of Kansas.
  - S Sub
- HB 2074 Kansas expanded lottery act; racetrack gaming change.
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- HB 2155 Charitable gaming; bingo and raffles; lottery; sale of tickets; other.
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- HB 2228 Abortion; administration of abortifacient drugs.

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- SB 47 Establishing principle-based reserves and updating the standard nonforfeiture law for life insurance companies.
- SB 54 Updating methods of mailing notice of termination of coverage of motor vehicle liability insurance policies.
- SB 55 Increasing the cap on consulting fees for financial examinations and the high risk pool financial examination period.
- SB 75 Amending the patient protection act to prohibit the use of certain provisions in agreements.
- SB 76 Requiring certain insurers and insurance groups to maintain a risk management framework through an internal risk self-assessment.
- SB 100 Amending certain provisions of the UCCC relating to consumer loan definition and certain finance charges.
- SB 101 Amending the definition of "health care provider" in the health care provider insurance availability act to exclude certain persons.
- SB 102 Access to opioid analgesics with abuse-deterrent properties.
- SB 103 Pharmacy benefits managers limitations on activities.
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- SB 103 Pharmacy benefit managers limitation on activities.
- SB 117 Allowing certain health care providers and health care systems to qualify to become self-insurers through the health care stabilization fund.
- SB 130 Establishing a new type of installment loan.
- SB 143 Allowing the assignment of dental insurance benefits.
- SB 144 Affidavit requirement of surplus lines broken changed to signed statement.
- SB 145 Nonadmitted insurers authorized to write excess coverage on Kansas risks.
- SB 155 Surplus lines insurance definitions and gross premiums tax.
  - Sub
- SB 155 Amending certain requirements, definitions and gross tax on premiums of surplus lines insurance; repealing SLIMPACT.
- SB 202 Enacting a cap on patient fees for a 30-day supply of any prescription drug for certain health plans.

- SB 339 Defining "residence premises" for purposes of homeowners insurance policies sold in Kansas.
- SB 340 Providing the appointing authority of the securities commissioner from the governor to the commissioner of insurance.
- SB 369 Modernizing the Kansas mortgage business act.
- SB 370 Expanding the types of claims for payment of proceeds statutes.
- SB 381 Providing for the synchronization of prescription drug refills.
- SB 390 Amending the state banking code.
- SB 419 Affiliate transfer policies of mutual insurance policies organized to provide healthcare provider liability insurance.
- SB 438 Renewals of property and casualty insurance policies.

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- SB 12 Battery of judges, attorneys, court services officers and mental health employees.
- SB 13 Allowing victim notification on status change of person confined.
- SB 14 Relating to the criminal justice information system line fund.
- SB 15 Relating to dispositive motions.
- SB 16 Attorney fees in certain actions.
- SB 17 Judicial council membership.
- SB 18 Enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers.
- SB 19 Electronic service of order or notice under the Kansas administrative procedure act and the Kansas judicial review act.
- SB 22 Municipal court; notice of expungement of certain records and notice of disposition of appeals.
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  - SB 22 Municipal court; notice of expungement of certain records and notice of disposition of appeals.
  - SB 23 Authorized restrictions of driving privileges; ignition interlock device.
  - SB 34 Penalties for voting crimes; prosecution of election crimes.
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    - SB 38 Bad faith assertions of patent infringement.
    - SB 44 Docket fees; electronic filing and management fund.
    - SB 51 Relating to court fees and costs; judicial branch surcharge fund.
    - SB 56 Removing affirmative defense to promotion to minors of material harmful to minors for public, private or parochial schools.
    - SB 57 Kansas power of attorney act.
    - SB 58 Kansas judicial review act; venue.
    - SB 59 Clarifying district magistrate judge jurisdiction.
    - SB 74 Relating to drivers' license reinstatement fees.
    - SB 104 Courts; use of two-way electronic audio-visual communication.
    - SB 105 Enacting updates to the uniform interstate family support act (UIFSA 2008).
    - SB 112 Relating to citations issued by the department of wildlife, parks and tourism.
    - SB 113 Relating to licenses, permits, stamps and other issues of the department of wildlife, parks and tourism.
    - SB 114 Birth certificate amendments; charge for non-judicial personnel.
    - SB 133 Possession or consumption of alcoholic beverage by minor; immunity from liability for minor seeking medical assistance needed due to alcohol consumption.

- SB 140 Relating to the forfeiture of appearance bonds.
- SB 146 Racial profiling data collection and reporting requirements.
- SB 147 Creating the community defense act; regulation of sexually oriented businesses.
- SB 148 The safe families act.
- SB 149 Civil commitment of sexually violent predators.
- SB 157 Specifying that the child in need of care code does not permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician.
- SB 158 Establishing a CARE family program for foster care.
- SB 159 Requiring a law enforcement officer to take a child into custody when the officer reasonably believes that there is a drug crime occurring in the child's residence that threatens the safety of the child.
- SB 160 Requiring action by a court regarding termination of parental rights in a child in need of care case.
- SB 183 Collection of debts owed to courts.
- SB 184 Civil procedure; judgments for court costs, fees, fines and restitution are never dormant.
- SB 185 Sexually violent predators; reimbursement for costs incurred by counties.
- SB 191 Increasing the penalty for criminal discharge of a firearm.
- SB 195 Child support; reporting of arrearages to consumer credit reporting agencies; distribution of support payments.
- SB 196 Relating to peer support counseling sessions.
- SB 197 Applying the open meetings act to the supreme court nominating commission and judicial district nominating commissions; applying the open records act to certain attorney information; requiring attorneys to document certain eligibility requirements to vote in the commission selection process.
- SB 198 State directory of new hires; contractors.
- SB 219 Relating to the reporting of abuse, neglect or exploitation of certain persons.
- SB 220 Increasing the penalty for battery against a mental health employee when committed by a sexually violent predator.
- SB 221 Allowing businesses to pass on credit surcharge to consumers.
- SB 222 Creating a hazard; leaving a dangerous weapon in a place accessible to children.
- SB 229 Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.
- SB 230 Increasing the fines for permitting driving in violation of certain restrictions.
- SB 297 Grounds for impeachment of Kansas supreme court justices.
- SB 319 Amending article reference for small claims venue.
- SB 320 Repealing the nonseverability clause in 2015 House Bill No. 2005 and providing for the severability of the provisions of such bill, concerning the judicial branch.
- SB 321 Eliminating conditions upon the protective filing of wills.
- SB 327 Allowing hearsay at preliminary hearings.
- SB 334 Requiring notice to the attorney general before any Kansas court determines that a statute or constitutional provision is invalid or unconstitutional.
- SB 360 Open meetings; justifications for closing meetings.
- SB 361 Open records act; definitions, public agency and public record.

- SB 362 Adding electronically stored information to the criminal justice information system; amending the rules of civil procedure concerning official records and authentication.
- SB 377 Amending grounds for law enforcement officer to request preliminary screening test for drugs or alcohol.
- SB 378 Employment discrimination or retaliation protections for victims of domestic violence or sexual assault; complaint procedure; application of Kansas act against discrimination.
- SB 395 Limiting length of legislative session to 100 calendar days in odd-numbered years and 60 calendar days in even-numbered years; adjusting legislators' compensation.
- SB 396 Kansas zero-based budget law.
- SB 410 Establishing a CARE family pilot program for foster care.
- SB 415 Legislative review of exceptions to disclosure of public records.
- SB 424 Amending consumer protection laws related to identity theft and security of personal identifying information.
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- SB 428 Relating to eyewitness identification.
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- SB 440 Supreme court general administrative authority over judicial branch; grounds for impeachment of justices of the supreme court and certain judges of the district court.
- SB 455 Amending the Kansas cigarette and tobacco products act.
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- HB 2112 Enacting the host families act, relating to temporary care for children.
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- HB 2115 Electronic service of order or notice under the Kansas administrative procedure act and the Kansas judicial review act.

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- SB 50 Property tax; valuation classification bed and breakfast homes.

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- SB 36 Allowing carryover and a change application for place of use for multi-year flex accounts.
- SB 52 Authorizing chief engineer to allow augmentation to secure water.
- SB 97 Allowing contact with certain regulated animals.
- SB 118 Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.
- SB 119 Excepting certain persons from the chemigation permit requirements.
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- SB 124 Eliminating the sunset on landspreading of oil and gas drilling waste.
- SB 125 Allowing NORM and TENORM to be eligible for disposal in Kansas landfills.
- SB 156 Allowing certain expenditures from the Arkansas river gaging fund.
- SB 227 Local enhanced management areas; due consideration; corrective control measures.

- SB 328 Allowing the secretary of the Kansas department of agriculture to contain chemical toxins for the protection of the public health.
- SB 329 Clarifying approval of a change application for place of use for multi-year flex accounts.
- SB 330 Establishing the Kansas conservation reserve enhancement program.
- SB 336 Amendments to livestock brand law.
- SB 337 Creating a penalty for failure to report annual water use.
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- HB 2059 Creating an application requirement and fee to appropriate water that otherwise leaves the state and creating a chemigation permit exception.
  - S Sub
- HB 2156 Department of agriculture division of water resources; groundwater management; rules and regulations; court procedures; position of chief engineer; impairment.
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- HB 2177 Establishing water conservation areas.
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- HB 2479 Amendments to the Kansas noxious weed law.

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- SB 39 Updating statutory references and making corresponding changes due to 2012 E.R.O. No. 41.
- SB 40 Massage therapist licensure act.
- SB 49 Kansas dental board; licensure of registered dental practitioners.
- SB 69 Advanced practice registered nurses; scope of practice and prescribing authority.
- SB 96 Kansas disclosure of unanticipated medical outcomes and medical errors act.
- SB 121 Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; members and meetings.
- SB 122 Hospital facility fees.
- SB 123 Medications used to treat mental illness under the state medicaid program.
- SB 141 Podiatrists; supervising a physician assistant and advanced practice registered nurse.
- SB 142 Kansas department for aging and disability services; programs for all-inclusive care for the elderly.
- SB 172 Enacting the patient right to shop act
- SB 180 Health maintenance organizations and medicare provider organizations; privilege fees.
- SB 181 Medicaid; restrictions of prescription-only drugs.
- SB 182 Department of health and environment; inspector general's job classification.
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- SB 182 Department of health and environment; inspector general.
- SB 341 Allowing step therapy for medicaid patients.
- SB 343 Tanning device maximum temperature.
- SB 344 Renaming the state board of cosmetology.
- SB 345 Board of cosmetology amendments.
- SB 351 Relating to licensure of acupuncturists.
- SB 364 Updated statutory references necessitated by 2012 E.R.O. 41.
- SB 372 Amendments to Kansas public assistance eligibility, limitations and verification.

- SB 385 Requiring hospitals to offer flu vaccines.
- SB 386 Relating to diabetes information reporting.
- SB 393 Consideration of domestic abuse in determining the issue of custody, residency and parenting time of a child.
- SB 394 Enacting the supporting families act, relating to temporary care for children.
- SB 402 Charitable healthcare providers; continuing education credits for gratuitous care of eligible patients.
- SB 413 Licensure of dental therapists.
- SB 422 Secretary for aging and disability services licensure of certain facilities and standards for treatment of certain individuals; background checks.
- SB 445 Client assessment, referral and evaluation program amendments.
- SB 446 State psychiatric hospital catchment area definitions.
- SB 447 Kansas behavioral health programs checkoff.
- SB 448 Addiction counselor updates; Kansas department for aging and disability services treatment programs.
- SB 449 Psychiatric health; behavioral sciences regulatory board amendments; prohibiting outsourcing of state psychiatric hospitals.
- S Sub
- HB 2042 Statutorily created boards, councils and committees.
- S Sub
- HB 2043 Secretaries for children and families and for aging and disability services; powers, duties and functions.
- S Sub
- HB 2149 Kansas program of medical assistance; relating to donor human breast milk and medications used under medicaid.
- S Sub
- HB 2225 Healing arts; relating to licenses, medical retainer agreements and access to health records.
- S Sub
- HB 2258 Concerning Kansas department for children and families; eligibility requirements for public assistance.
- S Sub
- HB 2281 Relating to duties and powers of the commissioner of insurance concerning the vision care services act and the medical assistance fee fund.

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- SB 21 Regulation and safety requirements for private motor carriers.
- SB 43 Home on the range highway.
- SB 72 Operation of transit buses on certain right shoulders in Wyandotte County.
- SB 73 Definitions of certain vehicles.
- SB 82 Creating the seat belt safety fund and increasing the fine for adult seat belt violations.
- SB 94 Unlawful passing of a waste collector; penalties.
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- SB 99 Relating to height and length of vehicles and loads and exceptions to maximums.
- SB 126 Commercial driver's license test, fee.
- SB 127 Requiring payment prior to installation of commemorative road naming signs.
- SB 139 Mayor Ken Bernard memorial highway.

- SB 150 Allowing corporate officers to appear before the corporation commission for certain fines.
- SB 164 Requiring two employees for train operation.
- SB 173 Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates.
- SB 174 Manufacture and issuance of license plates, fees.
- SB 215 Motor vehicle registration, evidence of renewal.  
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- SB 335 Relating to registration, fees; law enforcement training center fund; creating the Kansas highway patrol staffing and training fund.
- SB 349 Hazardous materials endorsement exemption.
- SB 350 Creating the Kansas highway patrol staffing and training fund; vehicle registration fees.
- SB 373 Driver's license operation of vehicle with temporary registration.
- SB 382 Repealing requirement that wrecker and towing service providers file notices, publications and affidavits with the county clerk.
- SB 405 Nonhighway certificate of title or salvage title for travel trailers.
- SCR 1608 Constitutional amendment limiting transfers from the state highway fund.  
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- HB 2090 Relating to motor vehicle registration, apportioned registration for fleet vehicles, decal serial numbers and annual registration.  
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- HB 2094 Relating to size limitations of forage cutter and custom harvester, use of safety belts and establishing the seat belt safety fund.

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- SB 109 Emergencies and disasters and the Kansas disaster utilities response act.
- SB 151 Electric utilities and carbon dioxide emissions.
- SB 170 Reliable, affordable and safe power act.
- SB 318 Utilities and state entities.
- SB 346 Telecommunications and universal service support.
- SB 401 Telecommunications and wireless communications equipment.
- SB 411 Utilities and electric transmission lines.
- SB 412 Water district No. 1 of Johnson County and purposes of property easement.
- SB 416 Vehicle tire tax and abolishing the solid waste grants advisory committee.
- SB 417 Concerning utilities and the department of health and environment.  
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- HB 2131 Concerning telecommunications.

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- SB 48 Sunset of property tax exemption for new qualifying pipeline property and retention of exemption for existing exemptions.
- SB 71 School districts; amending the supplemental general state aid calculation.
- SB 81 Appropriation revisions and supplementals for FY 2015 and FY 2016 for various state agencies.

- SB 138 Prohibiting the secretary of health and environment from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law.
- SB 161 Vacation and discretionary policies of the boards of regents relating to university support staff.
- SB 162 Joint revenue estimates, move April 20 date to May 4.
- SB 175 Exercise of religious freedom by postsecondary education student associations.
- SB 176 Limiting negotiations under the professional negotiations act.
- SB 178 Valuation of agricultural land.
- SB 179 Limiting negotiations under the public employer-employee relations act.
- SB 193 Requiring a degree prospectus for postsecondary degree programs.
- SB 218 Advance practice registered nurse.
- SB 235 Capital improvement projects for various state agencies
- SB 236 Making appropriations for FY 16 and FY 17 for the judicial branch.
- SB 237 Appropriations for FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019 for various state agencies.
- SB 241 Amending the procedure for the approval of state contracts.
- SB 242 Adding employees of the Kansas commission on veterans affairs office to the list of safety sensitive positions for preemployment drug screening.
- SB 243 State civil service board; transferred from the department of administration to the office of administrative hearings.
- SB 244 Municipal budgets; notifications.
- SB 245 Repealer; certain bridge inspections.
- SB 246 Exempting certain state leases from energy audit requirements when such energy audit is not economically feasible.
- SB 247 Municipal audits.
- SB 248 Repealing; key deposit funds.
- SB 249 Purchasing; competitive bids; vehicle repairs.
- SB 250 Joint committee on state building construction; reports of the secretary of administration.
- SB 254 Behavioral sciences regulatory board; licensure of professions.
- SB 265 Designated lay caregivers act.
- SB 268 Changes to stream maintenance and obstruction requirements.
- SB 269 Removing eastern spotted skunks from the nongame and endangered species conservation act.
- SB 273 Creating the classroom learning assuring student success act; making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education.
- SB 275 Establishing water conservation areas.
- SB 276 Integrating certain statutes pertaining to business filings and limited liability companies.
- SB 282 Exempting Kansas from daylight saving time.
- SB 283 STAR bonds; economic impact study; base year for additions of area to project districts; financing in excess of approved amounts.
- SB 284 Enacting the Kansas deferred retirement option program act.
- SB 285 Healing arts licensees, resident active licenses and health care records.
- SB 289 Establishing requirements and fiduciary duties for pharmacy benefits managers under the state health care benefits program.

- SB 290 Kansas code of military justice, Article 15; commanding officer's nonjudicial punishment.
- SB 292 Providing orders of the state board of tax appeals to be final for appeals by taxpayers which are lottery gaming enterprises.
- SB 300 Education; amendments regarding virtual school state aid, supplemental general state aid, capital outlay state aid and capital improvement state aid.
- SB 301 Reconciling amendments to certain statutes.
- SB 303 Clarifying mandated coverage for autism spectrum disorder.
- SB 304 Administration of abortifacient drugs.
- SB 305 Transferring functions of the Kansas bioscience authority to the department of commerce.
- SB 307 Open records act; definitions, public agency and public record.
- SB 309 Establishing a 3.5% fee for policies sold on the federally facilitated health insurance exchange.
- SB 310 Authorizing income tax contributions to school districts.
- SB 311 Transfer of administration of school finance from the state board of education to the department of administration and secretary of administration.
- SB 322 Creating application requirement and fee to appropriate surface water that otherwise leaves the state.
- SB 335 Increasing passenger vehicle registration fee and dedicating a portion of such fee to the law enforcement training center fund.
- SB 354 Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.
- SB 384 Amending provisions of the nongame and endangered species conservation act.
- SB 389 Appropriation revisions for FY 2017 and FY 2018 for various state agencies.
- SB 403 Limitations on municipal revenue generation through traffic citations.
- SB 404 Authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Riley county, Kansas.
- SB 409 Transportation arrangements prior to a funeral.
- SB 420 Amendments regarding courses offered in community college service areas and the funding thereof.
- SB 421 Carrying a concealed handgun in a public building; restricted access entrance.
- SB 423 Redesignating Kansas state university - Salina, college of technology as Kansas state polytechnic.
- SB 425 Authorizing the board of county commissioners of any county to regulate conservation easements on property located within the county.
- SB 450 Prohibiting the adoption of sanctuary ordinances and resolutions by municipalities.
- SB 451 Consolidation of Wichita state university and Wichita area technical college.
- SB 454 Amending court docket fees and charges.
- SB 456 Electronic monitoring in adult care homes.
- SB 457 Nursing home quality care assessment rate and sunset.
- SB 460 Social and rehabilitative institutions; appointment of superintendents, physicians, employees and staff.
- SB 463 Abolishing the expanded lottery act revenues fund, the Kansas endowment for youth fund, the children's initiative fund, the state economic development initiatives fund; all revenues into such funds go into the state general fund; other transfers to the state general fund; duties of Kansas children's cabinet.

- SB 465 Use of certain controlled substances to treat binge eating authorized.
- SB 466 Amending the criminal penalties for domestic battery.
- SB 467 Prohibiting certain advertising by an attorney who is not regularly admitted to practice law in Kansas.
- SB 468 Authorizing the creation of entertainment districts for the consumption of alcoholic beverages.
- SB 469 Recertification of professional employees' organizations under the professional negotiations act.
- SB 470 Establishing the intercollegiate adaptive sport grant program.
- SB 473 Amending the chemigation fee and excepting certain users from chemigation permit requirements.
- SB 474 Authorizing the state finance council to oversee any sale of the Kansas bioscience authority or substantially all of its assets.
- SB 487 Open meetings; justifications for closed or executive meetings.
- SB 489 Hemp oil treatments for specified medical conditions.
- SB 490 Adding dry needling to the physical therapy scope of practice.
- SB 491 Department of agriculture division of water resources; groundwater management; rules and regulations; court procedures; position of chief engineer; impairment.
- SB 492 Requiring notification for cancellation of motor vehicle insurance policy.
- SB 494 Consolidating the payrolls of the state educational institutions and the state board of regents.
- SB 495 Eliminating medical assistance coverage for elective induced labor prior to 39 weeks of pregnancy.
- SB 496 Healing arts exempt license status for telemedicine providers.
- SB 497 Birth risk factor screening for pregnant women.
- SB 498 Surplus real estate; authorizing a project management office.
- SB 499 Requiring school districts to strategically source specific spend categories through the department of administration.
- SB 500 Eliminating the community service income tax credit program.
- SB 501 Establishing a non-discretionary performance based bonus program for state employees.
- SB 502 Kansas ideas festival by state employees for efficiency savings in state government.
- SB 503 Secretary of corrections establishing a program to incentivize the unification of community corrections and court services.
- SB 504 Establishing the parole and community corrections nursing home task force.
- SB 505 School finance; general state aid adjustment for unencumbered cash balances.
- SB 506 Concerning economic development, HPIP credit and required training.
- SB 509 Establishing a budget stabilization fund in the state treasury; revenue and expenditures; review of risk-based practices by the legislative budget committee.
- SB 510 Eliminating criminal and professional penalties for medical marijuana.
- SB 511 Prohibiting the state employees health care commission from changing coverage options under the state health care benefits program in effect for the 2016 plan year without prior legislative approval.
- SB 512 Court ordered redistribution of district funds act.
- SB 513 Creating the student physical privacy act.
- SB 514 Amendments to the CLASS Act regarding the authority to levy a tax for ancillary school facilities.

- SB 515 Amendments to the CLASS Act regarding supplemental general state aid and capital outlay state aid.
- SB 517 Reconciling amendments to certain statutes.
- SB 518 Amending the Kansas cigarette and tobacco products act.
- SCR 1605 A state constitutional amendment concerning public debt.
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- HB 2135 Appropriations for FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019 for various state agencies; capital improvement projects; claims against the state.
  - S Sub
- HB 2285 Reconciling amendments to certain statutes.
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- HB 2353 Education; amendments regarding virtual school state aid, supplemental general state aid, capital outlay state aid and capital improvement state aid.
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- HB 2365 Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.
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- HB 2655 Amendments to the CLASS Act regarding supplemental general state aid and capital outlay state aid.

### **State Legislature, Joint Committees**

#### *Joint Committee on Corrections and Juvenile Justice Oversight*

- HB 2015 Juvenile offenders; prohibiting placement in a juvenile correctional facility for a current misdemeanor adjudication.
- HB 2447 Amendments concerning program credits for certain inmates.
- HB 2448 Amending severity level for unlawful tampering with electronic monitoring equipment.

#### *Joint Committee on Special Claims Against the State*

- HB 2135 Claims against the state.
- HB 2662 Claims against the state.

#### *Legislative Post Audit Committee*

- SB 4 Office of information technology services; for budgetary purposes, such office shall be considered a separate agency.
- SB 6 Authorizing the division of post audit to background check contractors and other workers.
- SB 7 Conducting information technology audits.
- SB 8 Repealing school district audit teams and school district performance audit requirements.
- SB 312 Extending the school district efficiency audit sunset and exemption time frame.
- SB 313 Limiting which government officials may receive information technology audit written reports.
- HB 2005 Office of information technology services; for budgetary purposes, such office shall be considered a separate agency.
- HB 2008 Repealing school district audit teams and school district performance audit requirements.

- HB 2009 Authorizing the division of post audit to background check contractors and other workers.
- HB 2010 Conducting information technology audits.
- HB 2441 Extending the school district efficiency audit sunset and exemption time frame.
- HB 2442 Limiting which government officials may receive information technology audit written reports.

**State Legislature, Special Committees***Senate Select Committee on KPERS*

- SB 168 Issuing a \$1 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS.
- SB 228 Defining police for purposes of eligibility in the Kansas police and firemen's retirement system.

*2014 Special Committee on Judiciary*

- SB 37 Enacting the Kansas foster parents' bill of rights act.
- SB 38 Bad faith assertions of patent infringement.
- HB 2048 Clarifying what items a search warrant may be issued for.
- HB 2053 Clarifying comparable offenses for criminal history.
- HB 2054 Public speech protection act.

*2015 Special Committee on Insurance*

- HB 2446 Increasing the minimum motor vehicle insurance liability limit for property damage.

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 H 2354 Sales and use tax, Exemptions, Project sales and job  
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- S 29 Sales and use tax, Food, Rate of taxation
- SCR 1612 Sales and use tax, Food, Rate of taxation
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# SENATE JOURNAL

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PROCEEDINGS

OF THE

**Senate**

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2016 SPECIAL SESSION

June 23 through June 24, 2016

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COREY CARNAHAN, *Secretary of the Senate*



JUNE 23, 2016

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SPECIAL SESSION

# Journal of the Senate

FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, June 23, 2016, 8:00 a.m.

Pursuant to the Governor's notification of June 8, 2016, the Senate convened for a Special Session of the Kansas Legislature with President Susan Wagle in the chair.

President Wagle introduced the Honorable Bryan Caskey, Director of Elections, who delivered the following message:

**PROCLAMATION CALLING THE LEGISLATURE  
INTO SPECIAL SESSION  
TO ADDRESS SCHOOL FINANCE**

TO THE PEOPLE OF THE STATE OF KANSAS, GREETINGS:

WHEREAS, the State of Kansas has outstanding public schools; and

WHEREAS, the State of Kansas has appropriated more than \$4 billion, a record amount of funding, to ensure the high quality of those public schools; and

WHEREAS, the State of Kansas recognizes the importance of high quality public schools in preparing our children to be successful adults; and

WHEREAS, Article 6, Section 6(b) of the Constitution of the State of Kansas provides that the "legislature shall make suitable provision for finance of the educational interests of the state;" and

WHEREAS, the ruling of the Kansas Supreme Court in *Gannon v. State of Kansas* has created an extraordinary occasion pursuant to Article 1, Section 5 of the Constitution of the State of Kansas, in which the Kansas Supreme Court has threatened to cause the closure of all Kansas public schools;

NOW, THEREFORE, I, Sam Brownback, GOVERNOR OF THE STATE OF KANSAS, by the authority vested in me by the Constitution of the State of Kansas, do hereby call the Legislature of the State of Kansas into Special Session to address school finance at the Capitol in Topeka, Kansas, on the 23rd day of June, 2016, at the hour of 8:00 o'clock a.m., to enact legislation to respond to the ruling of the Kansas Supreme Court in *Gannon v. State of Kansas*.

DONE: At the Capitol in Topeka  
under the Great Seal of the State  
this 8th Day of June, A.D. 2016

BY THE GOVERNOR: SAM BROWNBACK  
KRIS W. KOBACH  
*Secretary of State*  
DESIREE TALIAFERRO  
*Assistant Secretary of State*

In accordance with the provision of the Constitution of the State of Kansas and the Proclamation as read, President Wagle called the 2016 Special Session of the Legislature to order.

Roll was called with 38 senators present.

<b>District</b>	<b>District</b>
1. Dennis Pyle	21. Greg A. Smith
2. Marci Francisco	22. Tom Hawk
3. Tom Holland	23. Rob Olson
4. David Haley	24. Tom Arpke
5. Steve Fitzgerald	25. Michael O'Donnell
7. Kay Wolf	26. Dan Kerschen
8. Jim Denning	27. Leslie D. "Les" Donovan, Sr.
9. Julia Lynn	28. Mike Petersen
10. Mary Pilcher-Cook	29. Oletha Faust-Goudeau
11. Jeff Melcher	30. Susan Wagle
12. Caryn Tyson	31. Carolyn McGinn
13. Jacob LaTurner	33. Mitch Holmes
14. Forest J. Knox	34. Terry Bruce
15. Jeff King	35. Rick Wilborn
16. Ty Masterson	36. Elaine S. Bowers
17. Jeff Longbine	37. Molly Baumgardner
18. Laura Kelly	38. Garrett Love
19. Anthony Hensley	39. Larry R. Powell
20. Vicki L. Schmidt	40. Ralph Ostmeyer

Senator Abrams, District 32 and Senator Pettey, District 6 were excused.

Senate Chaplain, Reverend Cecil Washington, introduced guest chaplain, Reverend Fred Holloman, who previously served as Chaplain of the Senate for 31 years, to deliver the invocation:

Heavenly Father,  
 Some think that Sunday only  
 Is the day God is alive,  
 And church the only place  
 In which You can survive.  
 Some say if You escape.  
 They'll stop You at our door,  
 Since government and God  
 Can't be friendly anymore.  
 But I need You in the State House,  
 And I need You every day;  
 Church is not the only place  
 Where I need to pray.

I need You in the chambers,  
 And I need You in the halls;  
 I need You in lots of places  
 Outside the church's walls.  
 I need You in the office,  
 And I need You in committee;  
 I need You when we're getting down  
 To the nitty-gritty.  
 I'm thankful, Lord, You're not confined  
 To some sanctuary;  
 You're always near to help me fight  
 My daily adversary.

In the Name of Christ, Amen.

The Pledge of Allegiance was led by President Wagle.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

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

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

On emergency motion of Senator Bruce **SR 1701** was adopted unanimously.

**INTRODUCTION OF SENATE CONCURRENT RESOLUTION**

SENATE CONCURRENT RESOLUTION No. 1601—

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

On emergency motion of Senator Bruce **SR 1601** was adopted unanimously.

President Wagle appointed Senators Baumgardner and Kelly to notify the Governor that the Senate is organized and ready to receive communications.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 1**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 2**, AN ACT concerning controlled substances; relating to the uniform controlled substances act; substances included in schedule I; amending K.S.A. 2015 Supp. 65-4105, as amended by section 2 of 2016 House Bill No. 2018 and repealing the existing section, by Committee on Judiciary.

**SB 3**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; relating to the classroom learning assuring student success act; repealing the tax credit for low income students scholarship program act; amending K.S.A. 2015 Supp. 72-3715, 72-6463, as amended by section 6 of 2016 Senate Substitute for House Bill No. 2655, 72-6481, as amended by section 10 of 2016 Senate Substitute for House Bill No. 2655 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 72-6476, as amended by section 9 of 2016 Senate Substitute for House Bill No. 2655, 72-99a01, 72-99a02, 72-99a03, 72-99a04, 72-99a05, 72-99a06 and 72-99a07 and sections 2, 3 and 5 of 2016 Senate Substitute for House Bill No. 2655, by Committee on Ways and Means.

The following concurrent resolutions were introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1602—

By Committee on Judiciary

A PROPOSITION to amend article 6 of the constitution of the state of Kansas by amending section 6 thereof to define the legal remedies for violations of article 6.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) *In any civil action in which a statute or other legislative enactment of this state has been held unconstitutional as a violation of this article, no court shall have the authority to order a school district or any attendance center within a school district to be closed, or make or enforce any other order or remedy, the effect of which is to prohibit the expenditure of funds such that a school district or any attendance center within a school district shall not operate. Nor shall the legislature have such authority when its action is in direct response to a court ruling that a statute or other legislative enactment of this state has been held unconstitutional as a violation of this article.*

(e) (d) No religious sect or sects shall control any part of the public educational funds."

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

*"Explanatory statement.* The purpose of this amendment is to limit the legal remedies available to both the courts of this state and the legislature by prohibiting the closure of schools as a legal remedy in cases where a law is held to be unconstitutional as a violation of article 6 of the constitution of the state of Kansas.

"A vote for this proposition would prohibit courts in this state from issuing any order to close one or more schools as a remedy in a lawsuit where a law is held to be unconstitutional as a violation of article 6 of the constitution of the state of Kansas. It would also prohibit the legislature from enacting any law that would close one or more schools if such law is in direct response to a court ruling that a law is unconstitutional as a violation of article 6 of the constitution of the state of Kansas.

"A vote against this proposition would make no changes to current law, and courts would be able to continue issuing orders that could have the effect of closing schools, and the legislature would retain authority to close schools by law."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the primary election in August in the year 2016, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

## SENATE CONCURRENT RESOLUTION No. 1603—

By Committee on Judiciary

A PROPOSITION to amend article 6 of the constitution of the state of Kansas by creating a new section prohibiting the denial of a public education.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"Article 6.—EDUCATION"**

**"§11. Denial of public education prohibited.** In any civil action in which a statute or other legislative enactment of this state has been held unconstitutional as a violation of this article, no court shall issue any order, the effect of which is to close schools or otherwise deny the provision of public education that is required by section 1 of this article, nor shall the legislature, in direct response to such court action, pass a statute or other legislative enactment that would close schools."

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

*"Explanatory statement.* The purpose of this amendment is to limit the legal remedies available to both the courts of this state and the legislature by prohibiting the closure of schools or otherwise denying the provision of public education in cases where a law is held to be unconstitutional as a violation of article 6 of the constitution of the state of Kansas.

"A vote for this proposition would add a new section to article 6 of the constitution of the state of Kansas that would prohibit both the legislature and the courts of this state from denying public education to the children in this state.

"A vote against this proposition would make no changes to the current authority granted by the constitution of the state of Kansas to the legislature and the courts of this state with respect to public education."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the primary election in August in the year 2016, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**REFERRED TO COMMITTEE**

The President referred **SB 1** to the Committee on **Ways and Means**.

The President referred **SCR 1602, SCR 1603** to the Committee on **Judiciary**.

**CHANGE OF COMMITTEE ASSIGNMENT**

For all meetings of the Committee on **Judiciary** held June 23 and 24, the chair appoints the Senator from Shawnee, Senator Hensley to replace the Senator from Wyandotte, Senator Pettey.

On motion of Senator Bruce, the Senate recessed until 3:00 p.m.

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The Senate met pursuant to recess with Vice President Jeff King in the chair.

**MESSAGE FROM THE HOUSE**

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

*Be it resolved by the House of Representatives of the State of Kansas:*

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ray Merrick, Speaker

Peggy Mast, Speaker Pro Tem,

Jene Vickrey, Majority Leader,

Tom Burroughs, Minority Leader

Susan Kannarr, Chief Clerk

Foster Chisholm, Sergeant at Arms,

and await the pleasure of the Senate.

Announcing adoption of **SCR 1601**, a concurrent resolution creating a committee to inform the Governor that the legislature is organized and ready to receive communications. Representatives Rahjes, Weber and Scott are appointed to wait upon the Governor.

**REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SCR 1602** be amended on page 2, in line 31, by striking "primary" and inserting "general"; also in line 31, by striking "August" and inserting "November"; and the resolution be adopted as amended.

Committee on **Ways and Means** recommends **SB 1** be passed.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, June 24, 2016.

## SPECIAL SESSION

**Journal of the Senate**

## SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, June 24, 2016, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
Roll was called with 39 senators present.  
Senator Pettey was excused.  
Invocation by Reverent Cecil T. Washington:

Heavenly Father, we gather today, needing Your guidance to press forward. Help us to continue in the spirit of the prayer, uttered on yesterday, by Pastor Holloman. He said... "we need You in the State House, and we need You every day. ...that Church is NOT the only place, where we need to pray." Lord, You said in Matthew 5:18, that eventually Heaven and earth would pass away, but the unadulterated significance of Your Word, would last forever. So, as we pray today, thank You for the assurance...the confidence You provide through Your Words in 1 John 5:14, that the prayers being uttered, here and now, whether audibly or silently, are being heard by You, as You listen with a heart of love and compassion for Your children. There are many concerns before these men and women...concerns in these chambers...in these halls and offices. There are concerns in our families...in our State...country and world. So, as Pastor Holloman prayed on yesterday, we thank You, that the listening of Your ear, is NOT restricted to some specific dwelling place. But that You hear the prayers of those of us who love You. And we love You because You FIRST loved us (1 John 4:7-21). Thanks Lord, for another opportunity to come before You in prayer and know that You hear. I come to You in Jesus' name, Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Judiciary: **SB 2**.

Ways and Means: **SB 3**.

**ORIGINAL MOTIONS**

On motion of Senator King, an emergency was declared and **SCR 1602** was advanced to Final Action, subject to amendment, debate, and roll call. The motion carried.

A motion by Senator Francisco to amend **SCR 1602** failed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SCR 1602**, A PROPOSITION to amend article 6 of the constitution of the state of Kansas by amending section 6 thereof to define the legal remedies for violations of article 6, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Schmidt, V., Wolf.

Absent or Not Voting: Pettey.

A two-thirds constitutional majority having not voted in favor of the resolution, **SCR 1602** was not adopted.

The Call of the Senate was lifted.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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The Senate met pursuant to recess with President Wagle in the chair.

On motion of Senator Bruce, the Senate recessed until 4:00 p.m.

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The Senate met pursuant to recess with President Wagle in the chair.

On motion of Senator Bruce, the Senate recessed until 6:30 p.m.

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The Senate met pursuant to recess with President Wagle in the chair.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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The Senate met pursuant to recess with President Wagle in the chair.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2001**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2001** was thereupon introduced and read by title.

**REFERRED TO COMMITTEE**

The President referred **Sub HB 2001** to the **Calendar**.

**ORIGINAL MOTIONS**

On motion of Senator Masterson, an emergency was declared and **Sub HB 2001** was advanced to Final Action, subject to amendment, debate, and roll call. The motion carried.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2001**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook.

Absent or Not Voting: Petty.

The bill passed.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1604—

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the 2016 special session of the legislature and providing for the adjournment thereof.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn sine die at the close of business of the daily session convened on June 24, 2016.

On emergency motion of Senator Bruce **SCR 1604** was adopted by voice vote.

**REPORT ON ENROLLED BILLS**

**SCR 1601** reported correctly enrolled, properly signed and presented to the Secretary of State on June 24, 2016.

**SCR 1604** reported correctly enrolled, properly signed and presented to the Secretary of State on June 27, 2016.

**SR 1701** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 24, 2016.

**TRIBUTES**

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of June 23-24, 2016:

Senator Bowers: congratulating Amber Lambertz on being named the Concordia Area Chamber of Commerce Volunteer of the Year, congratulating Ty Gennette on receiving the Concordia Area Chamber of Commerce Kaleidoscope Award, congratulating Michael Walker on receiving the Concordia Area Chamber of Commerce Kaleidoscope Award, congratulating Joshua Meyer on receiving the Concordia Area Chamber of Commerce Business Person of the Year Award, congratulating Tim and Carrie Parker on receiving the Concordia Area Chamber of Commerce Lifetime Achievement Award, congratulating Col. H. Duane Saunders on being inducted into the National Army ROTC Hall of Fame, congratulating Lucas Publishing Company on receiving the 2016 Kansas Department of Commerce Merit Award, congratulating Bluestem Quarry and Stoneworks on receiving the 2016 Kansas Department of Commerce Merit Award, congratulating Hair Designs by Kim and Maryssa;

Senator Faust-Goudeau: recognizing Grant Chapel A.M.E. Church and the congregation for their service in Wichita; and

Senator Haley: congratulating Joe and Doris Elaine Chow on their 60th Wedding Anniversary.

In compliance with **SCR 1604**, Senator Bruce moved the Senate adjourn sine die. The motion carried.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2016 Special Session of the Legislature adjourned sine die."

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.  
COREY CARNAHAN, *Secretary of the Senate*.

□



SPECIAL SESSION

SHORT TITLE AND HISTORY

OF

SENATE BILLS

AND

SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2016 Senate and House Journals)

(13)

(SJ and HJ Nos. refer to 2016 Senate and House Journals)

TITLE AND HISTORY OF SENATE BILLS  
SPECIAL SESSION

- S 1** Bill by Ways and Means  
**Appropriation revisions for fiscal year 2017 for various agencies.**  
 06/23/2016 Senate—Introduced—SJ 4  
 06/23/2016 Senate—Referred to Committee on Ways and Means—SJ 6  
 06/23/2016 Senate—Hearing: Thursday, June 23, 2016, 1:00 PM Room 548-S  
 06/23/2016 Senate—Committee Report recommending bill be passed by Committee  
 on Ways and Means—SJ 7  
 06/24/2016 Senate—Died on General Orders
- S 2** Bill by Judiciary  
**Adding U-47700 to the controlled substances listed in schedule I.**  
 06/23/2016 Senate—Introduced—SJ 4  
 06/24/2016 Senate—Referred to Committee on Judiciary—SJ 8  
 06/24/2016 Senate—Died in Committee
- S 3** Bill by Ways and Means  
**Amendments to the CLASS act regarding supplemental general state aid.**  
 06/23/2016 Senate—Introduced—SJ 4  
 06/24/2016 Senate—Referred to Committee on Ways and Means—SJ 8  
 06/24/2016 Senate—Died in Committee

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS  
SPECIAL SESSION

- S 1601** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Committee to inform the governor that the legislature is organized, special session, 2016.**  
06/23/2016 Senate—Introduced—SJ 3  
06/23/2016 Senate—Adopted without roll call—SJ 4  
06/23/2016 House—Received and Introduced  
06/23/2016 House—Adopted without roll call—HJ 4  
06/24/2016 Senate—Enrolled and presented to Secretary of State on Friday, June 24, 2016—SJ 10
- S 1602** Concurrent Resolution by Judiciary  
**Constitutional amendment prohibiting the closure of schools when statute held unconstitutional.**  
06/23/2016 Senate—Introduced—SJ 4  
06/23/2016 Senate—Referred to Committee on Judiciary—SJ 6  
06/23/2016 Senate—Committee Report recommending resolution be adopted as amended by Committee on Judiciary—SJ 7  
06/24/2016 Senate—Motion by Senator King to advance to Final Action, subject to amendment and debate. Motion adopted.  
06/24/2016 Senate—Motion by Senator King to adopt the committee report. Motion carried.  
06/24/2016 Senate—Final Action - Not adopted by required 2/3 majority; Yea: 26 Nay: 13—SJ 9
- S 1603** Concurrent Resolution by Judiciary  
**Constitutional amendment prohibiting action by any court or the legislature that would deny public education to the students of this state.**  
06/23/2016 Senate—Introduced—SJ 6  
06/23/2016 Senate—Referred to Committee on Judiciary—SJ 6  
06/24/2016 Senate—Died in Committee
- S 1604** Concurrent Resolution by Senators Wagle, Bruce, Hensley  
**Relating to the adjournment of the 2016 special session of the legislature.**  
06/24/2016 Senate—Introduced—SJ 10  
06/24/2016 Senate—Adopted without roll call—SJ 10  
06/24/2016 House—Received and Introduced  
06/24/2016 House—Adopted without roll call  
06/24/2016 Senate—Enrolled and presented to Secretary of State on Monday, June 27, 2016—SJ 10

TITLE AND HISTORY OF SENATE RESOLUTIONS  
SPECIAL SESSION

- S 1701** Resolution by Senators Wagle, Bruce, Hensley  
**Organization of the Senate, special session, 2016.**  
06/23/2016 Senate—Introduced—SJ 3  
06/23/2016 Senate—Adopted without roll call—SJ 3  
06/24/2016 Senate—Enrolled on Friday, June 24, 2016—SJ 10

FINAL 2016 SPECIAL SESSION

# SENATE CALENDAR

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JUNE 23, 2016 THROUGH  
ADJOURNMENT JUNE 24, 2016

NUMERICAL SCHEDULE OF SENATE BILLS  
2016 SPECIAL SESSION

- 1 Died, Gen Ord
  - 2 Died, Com
  - 3 Died, Com
- 

NUMERICAL SCHEDULE OF  
SENATE CONCURRENT RESOLUTIONS  
2016 SPECIAL SESSION

- 1601 Adopted & Enr
  - 1602 Killed, Final Act
  - 1603 Died, Com
  - 1604 Adopted & Enr
- 

NUMERICAL SCHEDULE OF SENATE RESOLUTIONS  
2016 SPECIAL SESSION

- 1701 Adopted & Enr
- 

ACTION ON HOUSE BILLS  
2016 SPECIAL SESSION

- Sub
  - 2001 Passed
-

**SUMMARY OF ACTIONS ON SENATE BILLS  
AND SENATE RESOLUTIONS**

**2016 SPECIAL SESSION**

**Senate Bills**

Senate bills introduced in the 2016 Special Session.....3

    Senate bills signed by Governor..... 0

    Senate bills killed in Senate ..... 3

TOTAL.....3

**Senate Concurrent Resolutions**

Senate concurrent resolutions introduced in 2016 Special Session.....4

    Senate concurrent resolutions adopted by both houses ..... 2

    Senate concurrent resolutions died on Final Action ..... 1

    Senate concurrent resolutions died in Senate Committee ..... 1

TOTAL.....4

**Senate Resolutions**

Senate resolutions introduced in 2016 Special Session.....1

    Senate resolutions adopted..... 1

TOTAL.....1

**STATUS OF BILLS AND RESOLUTIONS**

**Senate bills signed by the Governor:**

**Senate bills published in Kansas register:**

**Senate bills vetoed by Governor:**

**Senate bills line-item vetoed by Governor:**

**Senate resolutions adopted:** Nos. 1701

**Senate concurrent resolutions adopted by both Houses:** Nos. 1601, 1604

**LEGEND**

Com	Committee
Enr	Enrolled
Fin Act	Final Action
Gen Ord	General Orders

**APPOINTMENTS, COMMUNICATIONS,  
MESSAGES FROM THE GOVERNOR, SPECIAL GUESTS**

**2016 SPECIAL SESSION**

**APPOINTMENTS**

**SR 1701**, relating to the organization of the Senate and appointments of Senators Susan Wagle, president; Jeff King, vice-president; Terry Bruce, majority leader; Anthony Hensley, minority leader; Corey Carnahan, secretary and Charles (Nick) Nicolay, sergeant at arms, page 3.

**MESSAGES FROM THE GOVERNOR**

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2016 Regular Session of the Legislature:

Proclamation from Governor Sam Brownback calling the Legislature into Special Session to address school finance, page 1.

**SPECIAL GUESTS**

Senate Chaplain, Reverend Cecil Washington, introduced guest chaplain, Reverend Fred Holloman, who previously served as Chaplain of the Senate for 31 years, to deliver the invocation, page 2.

## **AUTHOR INDEX SPECIAL SESSION**

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This index includes all legislation sponsored by Senate Members, Senate Committees, Joint Committees, Select Committees and Special Committees.

### **Bruce, Terry**

- SCR 1601 Committee to inform the governor that the legislature is organized, special session, 2016.
- SCR 1604 Relating to the adjournment of the 2016 special session of the legislature.
- SR 1701 Organization of the Senate, special session, 2016.

### **Hensley, Anthony**

- SCR 1601 Committee to inform the governor that the legislature is organized, special session, 2016.
- SCR 1604 Relating to the adjournment of the 2016 special session of the legislature.
- SR 1701 Organization of the Senate, special session, 2016.

### **Wagle, Susan**

- SCR 1601 Committee to inform the governor that the legislature is organized, special session, 2016.
- SCR 1604 Relating to the adjournment of the 2016 special session of the legislature.
- SR 1701 Organization of the Senate, special session, 2016.

### **State Legislature, Senate Committees**

#### **(Various)**

##### *Judiciary*

- SB 2 Adding U-47700 to the controlled substances listed in schedule I.
- SCR 1602 Constitutional amendment prohibiting the closure of schools when statute held unconstitutional.
- SCR 1603 Constitutional amendment prohibiting action by any court or the legislature that would deny public education to the students of this state.

##### *Ways and Means*

- SB 1 Appropriation revisions for fiscal year 2017 for various agencies.
- SB 3 Amendments to the CLASS act regarding supplemental general state aid.



# SUBJECT INDEX

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This index includes all legislation sponsored by House and Senate Members, House and Senate Committees, Joint Committees and Special Committees.

<b>Appropriations</b> .....	<b>26</b>	<b>Legislature</b> .....	<b>26</b>
<b>Constitutional Amendments (Kansas)</b> .....	<b>26</b>	<b>Repealers</b> .....	<b>26</b>
<b>Courts</b> .....	<b>26</b>	<b>Resolutions</b> .....	<b>26</b>
<b>Health and Health Care</b> .....	<b>26</b>	<b>Schools</b> .....	<b>26</b>

For page numbers see “Title and History of Bills” in House and Senate Journal Books  
(Bill numbers printed in **bold** type are enacted bills.)

**Appropriations**

- H 2001** 2016 special session, Appropriations for FY 2017 for school finance  
**S 1** 2016 special session, Appropriations for FY 2017 for school finance

**Constitutional Amendments (Kansas)**

- HCR 5001** School finance, Defining legal remedies for violations of article 6  
**SCR 1602** School finance, Prohibiting the closure of schools as legal remedy  
**SCR 1603** School finance, Prohibiting the denial of a public education as legal remedy  
**HCR 5001** School finance, Requirements for finance of public education

**Courts**

- H 2002** Superior court, establishment of  
**H 2002** Supreme court, jurisdiction

**Health and Health Care**

- S 2** Controlled substances, schedule I drugs

**Legislature**

- HR 6001** House of representatives, Organization  
**HR 6002** House of representatives, Seat assignments  
**SCR 1701** Senate, Organization

**Repealers**

- H 2003** Schools, extraordinary need fund  
**S 3** Schools, extraordinary need fund  
**H 2003** Tax credit for low income students scholarship program act  
**S 3** Tax credit for low income students scholarship program act

**Resolutions**

- HCR 5001** Constitutional amendments, School finance, Defining legal remedies for violations of article 6  
**SCR 1602** Constitutional amendments, School finance, Prohibiting the closure of schools as legal remedy  
**SCR 1603** Constitutional amendments, School finance, Prohibiting the denial of a public education as legal remedy  
**HCR 5001** Constitutional amendments, School finance, Requirements for finance of public education  
**HR 6001** Legislature, Organization, House of representatives  
**SCR 1701** Legislature, Organization, Senate  
**HR 6002** Legislature, Seat assignments, house of representatives

**Schools**

- H 2003** Choice, Tax credit for low income students scholarship program act, repeal of  
**S 3** Choice, Tax credit for low income students scholarship program act, repeal of  
**H 2001** Finance, Extraordinary need fund  
**H 2003** Finance, Extraordinary need fund  
**S 1** Finance, Extraordinary need fund  
**S 3** Finance, Extraordinary need fund  
**H 2001** Finance, Supplemental general state aid  
**H 2003** Finance, Supplemental general state aid  
**S 1** Finance, Supplemental general state aid  
**S 3** Finance, Supplemental general state aid  
**H 2001** Finance, Virtual school state aid  
**H 2003** Finance, Virtual school state aid  
**S 1** Finance, Virtual school state aid  
**S 3** Finance, Virtual school state aid  
**H 2003** Tax credit for low income students scholarship program act, repeal of  
**S 3** Tax credit for low income students scholarship program act, repeal of