

# Journal of the House

## THIRTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 21, 2018, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Schwab in the chair.

The roll was called with 122 members present.

Rep. Gallagher and Kuether were excused on verified illness.

Rep. Barker was excused on legislative business.

Present later: Rep. Barker

Prayer by Chaplain Brubaker:

Almighty God,  
We come before You this morning,  
thankful for the many blessings You have given us.  
Thank You, that this new day  
is a chance to do better and be better.  
Thank You for Your faithfulness,  
always at our side willing to help –  
just waiting for us to ask.  
Thank You for the work that will get accomplished today.  
Give them wisdom in every decision.  
Grant them discernment and common sense  
so they will be strong and effective leaders.  
Please be with Rep. Gallagher who is in the hospital.  
Please bring healing to her body quickly.  
Also, be with the Graham family in the passing of a great spiritual leader,  
Rev. Billy Graham. Thank You for his selfless ministry to America.  
In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Orr.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Ward are spread upon the Journal:

Jobs for Americas Graduates-Kansas, also known as JAG-K, has 68 programs in 33 school districts across Kansas. This year, more than 3100 students are part the JAG-K family. JAG-Kansas is an in-school program that works to move students toward high school graduation and on to a successful career path. JAG-Kansas has a graduation rate of 93%, with 89% moving on toward post-secondary education, vocational training, military service or full-time employment.

Today, I am pleased to introduce the three statewide JAG-K Career Association officers joining us on the floor of the House of Representatives: President, Linda Moyo of Newton High School; Vice President Tyrese DeLaCruz of Field Kindley High School in Coffeyville, Secretary Antonio Cooper of Junction City High School.

In the gallery are some of the more than 200 JAG-Kansas students and their Career Specialists who are with us today in the Capitol. I have visited my JAG-K program at East High in Wichita, and I know many of my colleagues have JAG-K programs in their districts. JAG-K students will be leaving invitations to visit their program in your office this afternoon. Please make time to see this outstanding program at work. Welcome Jobs for America's Graduates-Kansas!

Rep. Ballard, a board member of JAG-K, made comments on the value of the 68 programs of JAG-K across Kansas.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Murnan are spread upon the Journal:

Please join me in recognizing the 30<sup>th</sup> Anniversary of the passage of Public Law 99-457 which established early intervention services for children, birth to age 3, and their families.

You may know it as tiny-K or Infant Toddler Services in your community. Early childhood intervention programs provide services to infants and toddlers who have a developmental delay or disability. Science and research have shown that the period between birth and three years is a critical time in a child's development and offers a unique opportunity to change the life-course of a child with an identified developmental delay.

We know for sure the earlier a child with a developmental delay or disability receives services and support, the better. Oftentimes this intervention eliminates the need for future services in the school district.

In 2017, more than 10,000 children between birth and three years of age received early intervention services from networks in Kansas. On cold and icy days like today, occupational therapists, physical therapists, teachers, social workers and speech language pathologists are traveling the roads of Kansas to go to the homes of babies and toddlers to provide service to the child and their family.

So please join me in congratulating these folks who represent tiny-K networks in Kansas on the 30 year anniversary of this important law and to thank them for what they do every day.

Rep. Murnan welcomed representatives of tiny-K and presented them with a framed House certificate.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2754**.

Taxation: **HB 2753**.

## INTRODUCTION OF ORIGINAL MOTIONS

Rep. Ward moved to change the sequence of General Orders under House Rule 1503(b) to consider **HB 2578** as the first order of business under the heading General Orders on February 22, 2018. The motion will be printed in the calendar of February 22, 2018 under the order of business “Motions and Resolutions Offered on a Previous Day.”

## CONSENT CALENDAR

No objection was made to **SB 256** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 256**, AN ACT designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway; amending K.S.A. 68-1027 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether, Trimboli.

The bill passed.

**HB 2088**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; certified drug abuse treatment programs; amending K.S.A. 2017 Supp. 21-6824 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert,

Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether, Trimboli.

The bill passed, as amended.

**HB 2361**, AN ACT concerning the state workers compensation self-insurance fund; transferring administration of the fund to the department of administration; amending K.S.A. 2017 Supp. 44-575, 44-577 and 44-578 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, B. Carpenter, Claey's, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Carmichael, Hodge, Ward.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

**HB 2448**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership of certain employees of the department of corrections located at correctional institutions and juvenile correctional facilities in the Kansas police and firemen's retirement system; employee and employer contributions, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 9; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, Claey's, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove,

Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Hineman, Hodge, Hoffman, Holscher, Horn, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, Winn, Wolfe Moore.

Nays: Awerkamp, B. Carpenter, Helgerson, Highland, Houser, Smith, A., Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2448**. It better meets the needs of our corrections staff. However, this bill may demonstrate how past increases in KPERS benefits have affected us. When we increase benefits without increasing funding we contribute to an unfunded liability. We already have a commitment to our employees made by legislatures decades ago requiring another \$200 million annually. We are challenged to keep their promises, and need to remain vigilant to not pass our promises to future taxpayers. In addition to increasing KPERS contributions, we have competing and constitutional interests in our budget formula. We can do this. But we must finish the job. – STEVEN C. JOHNSON, BLAINE FINCH, SHANNON FRANCIS, RICHARD J. PROEHL

**HB 2454**, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; review hearings; dispositional hearing; amending K.S.A. 2017 Supp. 38-2343 and 38-2360 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

**HB 2479**, AN ACT concerning criminal procedure; relating to stay of certain criminal cases; appeal of writ of habeas corpus relief, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed.

**HB 2498**, AN ACT concerning Native Americans; prohibiting governmental entities from prohibiting the wearing of tribal regalia and objects of cultural significance, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed.

**HB 2501**, AN ACT concerning the Kansas department for aging and disability services; disposition of fees; creating the health occupations credentialing fee fund; amending K.S.A. 65-5913 and 65-6512 and K.S.A. 2017 Supp. 39-936, 39-979 and 65-3503 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed.

**HB 2534**, AN ACT regulating traffic; concerning racing on highways; exhibition of speed or acceleration, definition; amending K.S.A. 8-1565 and K.S.A. 2017 Supp. 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Baker, Ballard, Bergquist, Blex, Brim, Carlin, Carmichael, Clark, Clayton, Concannon, Crum, S., E. Davis, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Francis, Garber, Gartner, Good, Hawkins, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Orr, Osterman, Ousley, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Sloan, Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thompson, Trimboli, Trimmer, Weber, C., Weigel, Wheeler, K. Williams, Wolfe Moore.

Nays: Aurand, Awerkamp, Becker, Bishop, Burris, Burroughs, B. Carpenter, Claeys, Corbet, Cox, Curtis, Deere, Dove, Finney, Frownfelter, Helgerson, Henderson, Highland, Hoffman, Houser, Landwehr, Mason, Ohaebosim, Parker, Phelps, Pittman, Probst, Ruiz, Sawyer, Schwab, Seiwert, Smith, A., Thimesch, Vickrey, Victors, Ward,

Waymaster, Whipple, Whitmer, Winn.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I am voting for **HB 2534** for the simple purpose of clarifying language about what “exhibition of acceleration” is so that the officers and the courts know what it is they can prosecute. It doesn't add a violation and it lessens the penalty to that level of a speeding ticket. We are only asking for clarifying language in the existing statute and lessening the penalty. – ERIC SMITH

MR. SPEAKER: I vote YES on **HB 2534**. Kansas appellate courts have found the provisions of current law relating to exhibition of acceleration or speed to be unconstitutionally vague. Cities across the state have incorporated this language in their standard traffic ordinances. **HB 2534** provides clarity in the law which is needed. Intentionally operating a vehicle in a manner that causes rapid acceleration to the extent the tires break traction with the road is a dangerous act which places the welfare of the public at risk. – J. RUSSELL JENNINGS

**HB 2539**, AN ACT concerning certain statewide elected officials; amending K.S.A. 25-101a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 28; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., E. Davis, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Osterman, F. Patton, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Ward, Waymaster, Weber, C., Wheeler, K. Williams, Wolfe Moore.

Nays: Alcalá, Burroughs, Carlin, Carmichael, Clayton, Curtis, Deere, Delperdang, Finney, Helgerson, Henderson, Highberger, Hodge, Horn, Landwehr, Miller, Ohaebosim, Orr, Ousley, Parker, Phelps, Ruiz, Trimmer, Victors, Weigel, Whipple, Whitmer, Winn.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

**HB 2542**, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; modifying certain fees; removing sunset date; amending K.S.A. 2017 Supp. 74-32,181 and repealing the existing section, was considered on final action.



On roll call, the vote was: Yeas 108; Nays 14; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Winn, Wolfe Moore.

Nays: Awerkamp, Burris, B. Carpenter, Garber, Humphries, Jacobs, K. Jones, Mason, Osterman, R. Powell, Sutton, Vickrey, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed.

**HB 2551**, AN ACT concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any security operations thereof; allowing existing contracts to be renewed, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 19; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Ellis, Eplee, Finch, Finney, Francis, Frownfelter, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Horn, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Aurand, Awerkamp, Burris, B. Carpenter, Claeys, Elliott, Esau, Garber, Hoffman, Houser, Huebert, Jacobs, K. Jones, Mason, Osterman, R. Powell, Seiwert, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

**HB 2597**, AN ACT concerning counties; designating Sedgwick county as an urban area; amending K.S.A. 19-2654 and repealing the existing section, was considered on final action.

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

voting: 3.

Yeas: Alcalá, Alford, Arnberger, Awerkamp, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed.

**HB 2600**, AN ACT concerning the nuclear energy development and radiation control act; relating to maximum licensing fees; providing for the assessment of fees for a licensee's noncontiguous sites; amending K.S.A. 48-1606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Corbet, Crum, S., Curtis, E. Davis, Deere, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, K. Williams, Winn, Wolfe Moore.

Nays: Awerkamp, Burris, B. Carpenter, Claeys, Cox, Delperdang, Dove, Garber, Huebert, Jacobs, K. Jones, Mason, R. Powell, Resman, Whipple, Whitmer.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The bill passed, as amended.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Johnson in the chair.

### COMMITTEE OF THE WHOLE

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

Recommended that **Sub SB 323, HB 2480, HB 2481** be passed.

Committee report to **HB 2571** be adopted; and the bill be passed as amended.

On motion of Rep. Miller to amend **HB 2509**, Rep. Williams requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane. Roll call was demanded on the motion of Rep. Miller to amend **HB 2509**, on page 3, following line 31, by inserting:

"Sec. 4. K.S.A. 19-3419 is hereby amended to read as follows: 19-3419. (a) In counties of this state having a population exceeding 130,000, there shall be an office of commissioner of elections, which shall be administered by an election commissioner. Except as provided in subsection (b), the election commissioner shall be appointed by the secretary of state and shall hold office for a term of four years and until a successor is appointed and qualified. The secretary of state may remove the election commissioner for official misconduct. Upon occurrence of a vacancy in the office of county election commissioner, the secretary of state shall appoint a successor. If the vacancy occurs before the expiration of a term of office, the appointment shall be for the unexpired term. Such election commissioner shall have been a qualified elector and a resident of the county at least two years prior to appointment. Within 10 days after receiving official notice of the appointment and before entering upon the duties of the office, the election commissioner shall take, subscribe and cause to be filed in the office of the secretary of state an oath of office for the faithful discharge of official duties.

(b) (1) Beginning with the general election in 2022, a county election commissioner shall be elected in counties having a population over 130,000 for a term of four years.

(2) If a vacancy in the office of county election commissioner should occur by death, resignation, or otherwise, the vacancy shall be filled by appointment of a qualified elector of the county in the manner herein provided. If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualified. If the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and qualified at the next general election to serve the remainder of the unexpired term. Nomination and election of such successor shall be in the same manner as nomination and election of an election commissioner for a regular term. Appointments shall be made in the manner provided by law for filling vacancies in the office of a member of the house of representatives.

Sec. 5. K.S.A. 2017 Supp. 25-101 is hereby amended to read as follows: 25-101. (a) On the Tuesday succeeding the first Monday in November of each even-numbered year, there shall be held a general election to elect officers as follows:

(1) At each alternate election, prior to the year in which the term of office of the

president and vice-president of the United States will expire, there shall be elected the electors of president and vice-president of the United States to which the state may be entitled at the time of such election;

(2) at each such election, when the term of a United States senator for this state shall expire during the next year, there shall be elected a United States senator;

(3) at each such election there shall be elected the representatives in congress to which the state may be entitled at the time of such election;

(4) at each alternate election, prior to the year in which their regular terms of office will expire, there shall be elected a governor, lieutenant governor, secretary of state, attorney general, state treasurer and state commissioner of insurance;

(5) at each such election there shall be elected such members of the state board of education as provided by law;

(6) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district judge expires during the next year, or a vacancy in a district judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district judge of such judicial district;

(7) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district magistrate judge expires during the next year, or a vacancy in a district magistrate judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district magistrate judge of such judicial district;

(8) at each alternate election, prior to the year in which the regular term of office of state senators shall expire, there shall be elected a state senator in each state senatorial district;

(9) at each election there shall be elected a representative from each state representative district;

(10) at each alternate election there shall be elected, in each county, a county clerk, county treasurer, register of deeds, county or district attorney, sheriff and such other officers as provided by law and in counties with a population over 130,000, a county election commissioner; and

(11) at each election, when the term of county commissioner in any district in any county shall expire during the next year, there shall be elected from such district a county commissioner.

(b) This section shall apply to the filling of vacancies only so far as is consistent with the provisions of law relating thereto.

Sec. 6. K.S.A. 2017 Supp. 25-213 is hereby amended to read as follows: 25-213. (a) At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices.

(b) The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

\_\_\_\_\_ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not

printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from \_\_\_\_ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator \_\_\_\_ district, representative \_\_\_\_ district, district judge \_\_\_\_ district, district magistrate judge \_\_\_\_ district, district attorney \_\_\_\_ judicial district, and member state board of education \_\_\_\_ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: Commissioner \_\_\_\_ district, county clerk, a county election commissioner in counties with a population over 130,000, treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman.

(c) Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on the ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on the county and township ballot except for precinct committeeman or committeewoman.

(d) No person shall be elected to the office of precinct committeeman or precinct

committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than 5% of the total of the current voter registration designated in the state, county or district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

(e) The secretary of state by rules and regulations shall develop the official ballot for municipal elections in odd-numbered year elections.

(f) A person who won the primary election as a result of the person's name being written in on the primary ballot shall have such person's name printed on the official general election ballot for national, state, county, township or municipal office, unless the person notifies, in writing, the secretary of state for national or state office or the county election office for all other offices within 10 days following the canvass of the primary election that the person does not want such person's name on the official general election ballot.

Sec. 7. K.S.A. 2017 Supp. 25-611 is hereby amended to read as follows: 25-611. (a) The arrangement of offices on the official general ballot for national and state offices for those offices to be elected shall be in the following order: Names of candidates for the offices of president and vice-president, United States senator, United States representative \_\_\_\_\_ district, governor and lieutenant governor running together, secretary of state, attorney general, (and any other officers elected from the state as a whole), state senator \_\_\_\_\_ district, state representative \_\_\_\_\_ district, district judge \_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district, district attorney \_\_\_\_\_ judicial district, and state board of education member \_\_\_\_\_ district.

(b) The arrangement of offices on the official general ballot for county township offices for those offices to be elected shall be in the following order: Names of candidates for county commissioner \_\_\_\_\_ district, county clerk, a county election commissioner in counties with a population over 130,000, county treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer and township clerk.

(c) The secretary of state by rules and regulations adopted on or before July 1, 2016, shall develop the order of arrangement of municipal offices on the general election ballot in odd-numbered year elections.

Sec. 8. K.S.A. 2017 Supp. 25-618 is hereby amended to read as follows: 25-618. (a) The official general ballot for county and township offices may be separate from the official general ballot for national and state offices or may be combined with the official general ballot provided for in K.S.A. 25-601, and amendments thereto. The secretary of state shall prescribe the ballot format but the ballot shall be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS  
OFFICIAL GENERAL BALLOT  
County and Township Offices  
County of \_\_\_\_\_, City (or Township) of \_\_\_\_\_

November \_\_\_\_\_, \_\_\_\_\_ year

-----  
To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

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FOR COUNTY COMMISSIONER

\_\_\_\_\_ DISTRICT

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY CLERK

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY ELECTION COMMISSIONER in counties with a population over 130,000

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY TREASURER

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Continue in like manner for all county and township offices to be elected.  
(b) The official general election ballot style for municipalities shall be established by the secretary of state by rules and regulations adopted on or before July 1, 2016.";  
Also on page 3, in line 32, after "K.S.A." by inserting "19-3419,"; also in line 32, after "19-3424" by inserting "and K.S.A. 2017 Supp. 25-101, 25-213, 25-611 and 25-618";  
And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "K.S.A." by inserting "19-3419,"; also in line 2, after the second "and" by inserting "K.S.A. 2017 Supp. 25-101, 25-213, 25-611 and 25-618 and"

On roll call, the vote was: Yeas 37; Nays 85; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Ballard, Bishop, Burroughs, Carlin, Crum, S., Curtis, Deere, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Probst, Ruiz, Sawyer, Sloan, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Becker, Bergquist, Blex, Brim, Burris, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Markley, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Gallagher, Kuether.

The motion of Rep. Miller to amend **HB 2509** did not prevail.

Also, on motion of Rep. Esau to amend **HB 2509**, the motion did not prevail.

Also, on further motion of Rep. Esau to refer **HB 2509** to Committee on Elections, the motion did not prevail and **HB 2509** be passed.

Committee report to **HB 2459** be adopted; and the bill be passed as amended.

Committee report to **HB 2523** be adopted; and the bill be passed as amended.

Committee report to **HB 2580** be adopted; and the bill be passed as amended.

**HB 2504** be passed over and retain a place on the calendar.

Committee report to **HB 2472** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2496** be amended on page 1, in line 5, before "Section" by inserting "New"; also in line 5, by striking "act" and inserting "section"; also in line 5, by striking "know" and inserting "known";

On page 17, following line 20, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 65-1113 is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:

(a) "Board" means the board of nursing.

(b) "Diagnosis" in the context of nursing practice means that identification of and



discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis.

(c) "Treatment" means the selection and performance of those therapeutic measures essential to effective execution and management of the nursing regimen, and any prescribed medical regimen.

(d) *Practice of nursing.* (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury or infirmity; administration, supervision or teaching of the process as defined in this section; and the execution of the medical regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in ~~part paragraph (1) of this subsection (d)~~, which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(e) A "professional nurse" means a person who is licensed to practice professional nursing as defined in ~~part (1) of subsection (d)(1) of this section~~.

(f) A "practical nurse" means a person who is licensed to practice practical nursing as defined in ~~part (2) of subsection (d)(2) of this section~~.

(g) "Advanced practice registered nurse" or "APRN" means a professional nurse who holds a license from the board to function as a professional nurse in an advanced role, and this advanced role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.

(h) "Continuing nursing education" means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.

Sec. 3. K.S.A. 2017 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. Any licensed nurse may file a multi-state license application together with the prescribed multi-state license fee at any time the nurse holds an active license. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with

the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. ~~Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.~~ Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116, and amendments thereto, in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.

~~(c) Any person whose license as a registered professional nurse has lapsed for a period of more than 13 years beyond its expiration date and who has been employed for at least 10 of the last 13 years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person's work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board. This subsection shall expire on January 1, 2012.~~

(4) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also,

for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

(d) Every person who holds a multi-state license under the nurse licensure compact and who engages in the practice of nursing in Kansas shall notify the board of the person's address and other matters as may be required by the board. The notification shall be in a manner as required by the board. The board shall adopt rules and regulations to implement the provisions of this subsection.

Sec. 4. K.S.A. 2017 Supp. 65-1118 is hereby amended to read as follows: 65-1118.

(a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for <u>single-state</u> license—professional nurse.....	<del>\$75</del> <u>\$150</u>
Application for <u>single-state</u> license—practical nurse.....	<del>50</del> <u>100</u>
Application for <u>single-state</u> biennial renewal of license—professional nurse and practical nurse.....	<del>60</del> <u>120</u>
Application for <u>single-state</u> reinstatement of license.....	<del>70</del> <u>150</u>
Application for <u>single-state</u> reinstatement of licenses with temporary permit.....	<del>400</del> <u>175</u>
<u>Application for multi-state license—professional nurse.....</u>	<u>300</u>
<u>Application for multi-state license—practical nurse.....</u>	<u>300</u>
<u>Application for multi-state biennial renewal of license— professional nurse and practical nurse.....</u>	<u>200</u>
<u>Application for multi-state reinstatement of license.....</u>	<u>300</u>
<u>Application for multi-state reinstatement of licenses with temporary permit.....</u>	<u>300</u>
Application for reinstatement of revoked license.....	1,000
Certified copy of license.....	25
Duplicate of license.....	25
Inactive license.....	20
Application for license—advanced practice registered nurse.....	50
Application for license with temporary permit—advanced practice registered nurse.....	100
Application for renewal of license—advanced practice registered nurse.....	60
Application for reinstatement of license—advanced practice registered nurse.....	75
Application for authorization—registered nurse anesthetist.....	75
Application for authorization with temporary authorization— registered nurse anesthetist.....	110
Application for biennial renewal of authorization—registered nurse anesthetist.....	60
Application for reinstatement of authorization—registered nurse anesthetist.....	75

Application for reinstatement of authorization with temporary authorization—registered nurse anesthetist..... 100

Verification of license to another state..... 30

Application for exempt license—professional and practical nurse..... 50

Application for biennial renewal of exempt license—professional and practical nurse..... 50

Application for exempt license—advanced practice registered nurse..... 50

Application for biennial renewal of exempt license—advanced practice registered nurse..... 50

(b) The board may require that fees paid for any examination under the Kansas nurse practice act be paid directly to the examination service by the person taking the examination.

(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier's checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made by personal checks with insufficient funds and payments made by credit cards.

Sec. 5. K.S.A. 2017 Supp. 65-1120 is hereby amended to read as follows: 65-1120.

(a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act, or may require the licensee to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

(1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(2) to have been guilty of a felony or to have been 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 nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or registered nurse anesthetist 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 their repeal, or article 54 of chapter 21 of the Kansas Statutes annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(4) to have committed an act of professional incompetency as defined in subsection (e);

~~(4)~~(5) to be unable to practice with skill and safety due to current abuse of drugs or

alcohol;

~~(5)~~~~(6)~~ 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)~~~~(7)~~ to be guilty of unprofessional conduct as defined by rules and regulations of the board;

~~(7)~~~~(8)~~ to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

~~(8)~~~~(9)~~ to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be 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~~(8)~~~~(9)~~; or

~~(9)~~~~(10)~~ to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 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 for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 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. 2017 Supp. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 2017 Supp. 60-4405, and amendments thereto.

(b) *Proceedings.* Upon filing of a sworn complaint with the board charging a person with having been guilty of any of the unlawful practices specified in subsection (a), two or more members of the board shall investigate the charges, or the board may designate and authorize an employee or employees of the board to conduct an investigation. After investigation, the board may institute charges. If an investigation, in the opinion of the board, reveals reasonable grounds for believing the applicant or licensee is guilty of the charges, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) *Witnesses.* 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. 2017 Supp. 21-5903, and amendments thereto.

(d) *Costs.* If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but

if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) *Professional incompetency defined.* 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 practice nursing.

(f) *Criminal justice information.* 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 of and applicants for licensure by the board.

Sec. 6. K.S.A. 65-1127 is hereby amended to read as follows: 65-1127. (a) A licensee shall report to the board of nursing any information the licensee may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing, including persons holding a multi-state license under the nurse licensure compact. No person reporting to the board of nursing under oath and in good faith any information such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of registered professional nurses or licensed practical nurses 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 any licensee or registrant to the board of nursing or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such information 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.

Sec. 7. K.S.A. 2017 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical

nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for a term of four years and until a successor is appointed and qualified.

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board.

(b) *Qualifications of members.* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. The information technology and operational staff shall remain employees of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) 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 grants and gifts fund which is hereby created. 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 president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and



amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.

Sec. 8. K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117, 65-1118, 65-1120 and 74-1106 are hereby repealed.";

Also on page 17, in line 21, before "its" by inserting "July 1, 2019 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "checks" by inserting "; amending K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117, 65-1118, 65-1120 and 74-1106 and repealing the existing sections"; and the bill be passed as amended.

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

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#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Schwab in the chair.

#### COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announcement the appointment of Rep. Barker to replace Rep. Finch on Committee on Rules as of 4:30 p.m. on February 21, 2018.

Also, the appointment of Rep. Patton to serve as Chairman of Committee on Rules as of 4:30 p.m. on February 21, 2018.

#### MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 217**, requests a conference and has appointed Senators Schmidt, Bollier and Kelly as conferees on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 217**.

Speaker pro tem Schwab thereupon appointed Reps. Hawkins, Concannon and Murnan as conferees on the part of the House.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Waymaster in the Chair.

#### INTRODUCTION OF ORIGINAL MOTIONS

Rep. Hineman moved to change the sequence of General Orders under House Rule 1503(a) to consider **HB 2579** as the 12<sup>th</sup> order of business under the heading General Orders on February 21, 2018. The motion prevailed.

**COMMITTEE OF THE WHOLE**

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

Recommended that **HB 2567, HB 2568, HB 2603** be passed.

Committee report to **HB 2648** be adopted; and the bill be passed as amended.

Committee report to **HB 2579** be adopted.

Also, on motion of Rep. Becker to amend **HB 2579**, Rep. Ralph requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Becker challenged the ruling, the question being "Shall the Rules Chair be sustained?"

The Rules Chair was sustained and the bill be passed as amended.

Committee report to **HB 2599** be adopted.

Also, on motion of Rep. Landwehr, **HB 2599** be amended on page 5, following line 39, by inserting:

"New Sec. 4. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one city of Wichita license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment established by the city of Wichita or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The city of Wichita may authorize the use of its flag image as its logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be used to support physical assets identified by the Wichita parks foundation and license plate administrative costs incurred by the Wichita parks foundation. Any motor vehicle owner or lessee annually may apply to the city of Wichita for the use of such logo. Upon annual application and payment to either: (1) The city of Wichita in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate to be issued, the city of Wichita shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration; or (2) the county treasurer of the logo use royalty payment for each license plate to be issued.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment established by the city of Wichita. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be

made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

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

(e) The director of vehicles may transfer city of Wichita license plates from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant either provides to the county treasurer the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by the city of Wichita. If such logo use authorization statement is not presented at the time of registration or faxed by the city of Wichita, or the annual logo use royalty payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The city of Wichita shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the city of Wichita for information concerning the application process or the status of their license plate application.

(h) The city of Wichita, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the city of Wichita license plate and any subsequent registration renewal of such plate, the applicant must provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, logo use royalty payment amount, plate number and vehicle type to the city of Wichita and the state treasurer.

(j) Annual logo use royalty payments collected by county treasurers 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 city of Wichita royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the city of Wichita royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the city of Wichita royalty fund to the appropriate designee of the city of Wichita shall be made on a monthly basis. A change of the city's designee shall occur only by mutual agreement of the city of Wichita and the Wichita parks foundation.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and" and inserting a comma; in line 3, after "plate" by inserting "and the city of Wichita license plate" and the bill be passed as amended.

Committee report to **HB 2619** be adopted; and the bill be passed as amended.

Committee report to **HB 2583** be adopted; and the bill be passed as amended.

Committee report to **HB 2524** be adopted; and the bill be passed as amended.

Committee report to **HB 2458** be adopted; and the bill be passed as amended.

Committee report to **HB 2477** be adopted.

Also, on motion of Rep. Schroeder, **HB 2477** be amended on page 5, in line 30, by striking "(9)" and inserting "(8)"; also in line 30, by striking "(11)" and inserting "(10)"; in line 34, by striking "(9)" and inserting "(8)"; also in line 34, by striking "(11)" and inserting "(10)"

Also, on motion of Rep. Hoffman to amend **HB 2477**, the motion did not prevail.

Also, on motion of Rep. Karleskint, **HB 2477** be amended on page 5, in line 4, by striking "or other premises that is licensed pursuant to this act"; in line 5, by striking "or licensed premises"; following line 7, by inserting:

"Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice ~~need~~ shall not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized, trained representatives shall make inspections of the premises of a person required to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person's license or permit.

(d) Any complaint filed with the commissioner shall be confidential and shall not

be released to any person other than employees of the commissioner as necessary to carry out the duties of their employment.

(e) Any person making inspections under this section shall be trained by the commissioner in reasonable standards of animal care.

(f) The commissioner may request a licensed veterinarian to assist in any inspection or investigation made by the commissioner or the commissioner's authorized representative under this section.

(g) Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

(h) No person shall act as the commissioner's authorized representative for the purposes of making inspections and conducting investigations under this section if such person has a beneficial interest in a person required to be licensed or permitted pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

(i) Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

(j) The commissioner, in consultation with Kansas state university college of veterinary medicine, shall: (1) Continue procedures to provide for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act and to allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and (2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

(k) If the commissioner or the commissioner's authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.";

On page 6, in line 35, by striking all after "representative"; in line 36, by striking all before "shall"; in line 41, by striking all after "premises"; in line 42, by striking all before the period;

On page 8, in line 35, after the second comma by inserting "47-1709,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second comma by inserting "47-1709,"

and the bill be passed as amended.

Committee report to **HB 2478** be adopted; and the bill be passed as amended.

**MESSAGES FROM THE SENATE**

Announcing passage of **SB 221, SB 247, SB 260, Substitute for SB 272, SB 276, SB 296, SB 310, SB 314, SB 328, SB 331, SB 353, SB 369, SB 375, SB 391, and SB 394.**

Announcing passage of **HB 2362**, as amended, **HB 2482**, as amended.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 221, SB 247, SB 260, SB 272, SB 276, SB 296, SB 310, SB 314, SB 328, SB 331, SB 353, SB 369, SB 375, SB 391, SB 394**

**CHANGE OF REFERENCE**

Speaker Ryckman announced the withdrawal of **HB 2741** from the Committee on Commerce, Labor and Economic Development and referral to the Committee on Appropriations.

Also, the withdrawal of **HB 2613** from the Committee on Education and referral to the Committee on Appropriations.

Also, the withdrawal of **HB 2445, HB 2561, HB 2636, HB 2697** from the Committee on K-12 Education Budget and referral to the Committee on Appropriations.

Also, the withdrawal of **HB 2629** from the Committee on Local Government and referral to the Committee on Appropriations

**REPORT ON ENGROSSED BILLS**

**HB 2088, HB 2361, HB 2448, HB 2454, HB 2534, HB 2539, HB 2551, HB 2600** reported correctly engrossed February 20, 2018.

**HB 2459, HB 2472, HB 2523, HB 2571, HB 2580** reported correctly engrossed February 21, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Thursday, February 22, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

